

5956

2015-2016 Regular Sessions

I N   S E N A T E

June 13, 2015

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Introduced by Sen. GALLIVAN -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law in relation to counseling for grandchildren of homicide victims

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph b of subdivision 1 of section 624 of the executive law, as amended by chapter 233 of the laws of 2012, is amended to  
2     read as follows:  
3     (b) a surviving spouse, grandparent, parent, stepparent, guardian,  
4     brother, sister, stepbrother, stepsister, child, [or] stepchild OR  
5     GRANDCHILD of a victim of a crime who died as a direct result of such  
6     crime;  
7     S 2. Subdivision 1 of section 626 of the executive law, as amended by  
8     section 17 of part A-1 of chapter 56 of the laws of 2010, is amended to  
9     read as follows:  
10    1. Out-of-pocket loss shall mean unreimbursed and unreimbursable  
11    expenses or indebtedness reasonably incurred for medical care or other  
12    services necessary as a result of the injury upon which such claim is  
13    based, including such expenses incurred as a result of the exacerbation  
14    of a pre-existing disability or condition directly resulting from the  
15    crime or causally related to the crime. Such expenses or indebtedness  
16    shall include the cost of counseling for the eligible spouse, grandpar-  
17    ents, parents, stepparents, guardians, brothers, sisters, stepbrothers,  
18    stepsisters, children, [or] stepchildren OR GRANDCHILDREN of a homicide  
19    victim, and crime victims who have sustained a personal physical injury  
20    as the direct result of a crime and the spouse, children or stepchildren  
21    of such physically injured victim. For the purposes of this subdivision,  
22    the victim of a sex offense as defined in article one hundred thirty of  
23    the penal law is presumed to have suffered physical injury. Such coun-  
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EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 seling may be provided by local victim service programs, where avail-  
2 able. It shall also include the cost of residing at or utilizing  
3 services provided by shelters for battered spouses and children who are  
4 eligible pursuant to subdivision two of section six hundred twenty-four  
5 of this article, and the cost of reasonable attorneys' fees for repre-  
6 sentation before the office and/or before the appellate division upon  
7 judicial review not to exceed one thousand dollars.

8 S 2. This act shall take effect immediately, and apply to all claims  
9 filed on or after the date it shall have become a law.