

# STATE OF NEW YORK

7995

## IN SENATE

March 16, 2018

Introduced by Sen. GALLIVAN -- (at request of the Office of Victim Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the executive law, in relation to the information necessary to investigate compensation claims

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 623 of the executive law, as  
2 amended by section 8 of part A1 of chapter 56 of the laws of 2010, is  
3 amended to read as follows:

4 4. To request from the division of state police, from county or munic-  
5 ipal police departments and agencies and from any other state or munici-  
6 pal department or agency, or public authority, and the same are hereby  
7 authorized to, and shall provide, such assistance and data as will  
8 enable the office to carry out its functions and duties.

9 § 2. Subdivision 1 of section 631 of the executive law, as amended by  
10 section 22 of part A1 of chapter 56 of the laws of 2010, is amended to  
11 read as follows:

12 1. No award shall be made unless the office finds that (a) a crime was  
13 [~~committed~~] indicated by criminal justice agency records, (b) such crime  
14 directly resulted in personal physical injury to or the exacerbation of  
15 a preexisting disability, or condition, or death of, the victim, and (c)  
16 criminal justice agency records show that such crime was promptly  
17 reported to the proper authorities; and in no case may an award be made  
18 where the criminal justice agency records show that such report was made  
19 more than one week after the occurrence of such crime unless the office,  
20 for good cause shown, finds the delay to have been justified; provided,  
21 however, in cases involving an alleged sex offense as contained in arti-  
22 cle one hundred thirty of the penal law or incest as defined in section  
23 255.25, 255.26 or 255.27 of the penal law or labor trafficking as  
24 defined in section 135.35 of the penal law or sex trafficking as defined  
25 in section 230.34 of the penal law or an offense chargeable as a family  
26 offense as described in section eight hundred twelve of the family court  
27 act or section 530.11 of the criminal procedure law, the criminal

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[~~-~~] is old law to be omitted.

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1 justice agency report need only be made within a reasonable time consid-  
2 ering all the circumstances, including the victim's physical, emotional  
3 and mental condition and family situation. For the purposes of this  
4 subdivision, "criminal justice agency" shall include, but not be limited  
5 to, a police department, a district attorney's office, and any other  
6 governmental agency having responsibility for the enforcement of the  
7 criminal laws of the state provided, however, that in cases involving  
8 ~~[such]~~ sex ~~[offense]~~ offenses a criminal justice agency shall also mean  
9 a family court, a governmental agency responsible for child and/or adult  
10 protective services pursuant to title six of article six of the social  
11 services law and/or title one of article nine-B of the social services  
12 law, and any medical facility established under the laws of the state  
13 that provides a forensic physical examination for victims of rape and  
14 sexual assault. In the event that inconsistent reports among two or  
15 more criminal justice agencies exist for the same incident, the office  
16 shall consider the totality of the circumstances among all reports in  
17 order to accomplish the purpose of this article.

18 § 3. This act shall take effect immediately.