STATE OF NEW YORK

7051

2019-2020 Regular Sessions

IN ASSEMBLY

April 4, 2019

Introduced by M. of A. BURKE, TITUS -- (at request of the Office of Victim Services) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the definition of "child victims" and to awards for certain child victims

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

Section 1. Subdivision 11 of section 621 of the executive law, as amended by chapter 56 of the laws of 1988, is amended to read as follows:

11. For purposes of this article "child victim" shall mean a person less than eighteen years of age who suffers physical, mental or emotional injury, or loss or damage, as a direct result of a crime **or any violation listed in subdivision twelve of section six hundred thirty-one of this article,** or as a result of witnessing a crime **or any violation listed in subdivision twelve of section six hundred thirty-one of this article**.

§ 2. Subdivision 17 of section 631 of the executive law, as added by chapter 272 of the laws of 2009, is amended to read as follows:

17. Notwithstanding the provisions of subdivision one of this section, where a child victim has not been physically injured as a direct result of a crime **or any violation listed in subdivision twelve of this section**, or has witnessed a crime **or any violation listed in subdivision twelve of this section** in which no physical injury occurred, the claimant shall only be eligible for an award that includes the unreimbursed cost of repair or replacement of essential personal property of the child victim that has been lost, damaged or destroyed as a direct result of a crime **or any violation listed in subdivision twelve of this section**, transportation expenses incurred by the claimant for necessary court appearances of the child victim in connection with the prosecution of such crimes, and, if counseling is commenced within one year from the

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

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date of the incident or its discovery, (1) the unreimbursed cost of counseling provided to the child victim on account of mental or emotional stress resulting from the incident in which the crime **or any violation listed in subdivision twelve of this section** occurred, and/or (2) the unreimbursed cost of counseling provided to the claimant eligible under paragraph (h) of subdivision one of section six hundred twenty-four of this article and resulting from the incident in which the crime **or any violation listed in subdivision twelve of this section** occurred.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.