

# 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:

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

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

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

13 17. Notwithstanding the provisions of subdivision one of this section,  
14 where a child victim has not been physically injured as a direct result  
15 of a crime or any violation listed in subdivision twelve of this  
16 section, or has witnessed a crime or any violation listed in subdivision  
17 twelve of this section in which no physical injury occurred, the claim-  
18 ant shall only be eligible for an award that includes the unreimbursed  
19 cost of repair or replacement of essential personal property of the  
20 child victim that has been lost, damaged or destroyed as a direct result  
21 of a crime or any violation listed in subdivision twelve of this  
22 section, transportation expenses incurred by the claimant for necessary  
23 court appearances of the child victim in connection with the prosecution  
24 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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1 date of the incident or its discovery, (1) the unreimbursed cost of  
2 counseling provided to the child victim on account of mental or  
3 emotional stress resulting from the incident in which the crime or any  
4 violation listed in subdivision twelve of this section occurred, and/or  
5 (2) the unreimbursed cost of counseling provided to the claimant eligi-  
6 ble under paragraph (h) of subdivision one of section six hundred twen-  
7 ty-four of this article and resulting from the incident in which the  
8 crime or any violation listed in subdivision twelve of this section  
9 occurred.

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