

STATE OF NEW YORK

7079

2019-2020 Regular Sessions

IN ASSEMBLY

April 4, 2019

Introduced by M. of A. McMAHON, 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 victim compensation for unlawful surveillance crimes

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

1 Section 1. Subdivision 11 of section 631 of the executive law, as
2 amended by section 1 of part G of chapter 55 of the laws of 2017, is
3 amended to read as follows:

4 11. Notwithstanding the provisions of subdivisions one, two and three
5 of this section, an individual who was a victim of either the crime of:
6 menacing in the second degree as defined in subdivision one of section
7 120.14 of the penal law; menacing in the third degree as defined in
8 section 120.15 of the penal law; unlawful imprisonment in the first
9 degree as defined in section 135.10 of the penal law; kidnapping in the
10 second degree as defined in section 135.20 of the penal law; kidnapping
11 in the first degree as defined in section 135.25 of the penal law; crim-
12 inal mischief in the fourth degree as defined in subdivision four of
13 section 145.00 of the penal law; robbery in the third degree as defined
14 in section 160.05 of the penal law; robbery in the second degree as
15 defined in subdivision one, paragraph ~~(b)~~ (b) of subdivision two or
16 subdivision three of section 160.10 of the penal law; ~~[or]~~ robbery in
17 the first degree as defined in subdivisions two, three and four of
18 section 160.15 of the penal law; unlawful surveillance in the second
19 degree as defined in section 250.45 of the penal law; or unlawful
20 surveillance in the first degree as defined in section 250.50 of the
21 penal law who has not been physically injured as a direct result of such
22 crime shall only be eligible for an award that includes loss of earnings
23 and the unreimbursed costs of counseling provided to such victim on

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

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1 account of mental or emotional stress resulting from the incident in
2 which the crime occurred.

3 § 2. Subdivision 12 of section 631 of the executive law, as amended by
4 chapter 204 of the laws of 2018, is amended to read as follows:

5 12. Notwithstanding the provisions of subdivisions one, two and three
6 of this section, an individual who was a victim of either the crime of
7 menacing in the second degree as defined in subdivision two or three of
8 section 120.14 of the penal law, menacing in the first degree as defined
9 in section 120.13 of the penal law, criminal obstruction of breathing or
10 blood circulation as defined in section 121.11 of the penal law, harass-
11 ment in the second degree as defined in section 240.26 of the penal law,
12 harassment in the first degree as defined in section 240.25 of the penal
13 law, aggravated harassment in the second degree as defined in subdivi-
14 sion three or five of section 240.30 of the penal law, aggravated
15 harassment in the first degree as defined in subdivision two of section
16 240.31 of the penal law, criminal contempt in the first degree as
17 defined in subdivision (b) or subdivision (c) of section 215.51 of the
18 penal law, or stalking in the fourth, third, second or first degree as
19 defined in sections 120.45, 120.50, 120.55 and 120.60 of the penal law,
20 respectively, or dissemination of an unlawful surveillance image in the
21 second or first degree as defined in sections 250.55 and 250.60, respec-
22 tively, or a hate crime as defined in section 485.05 of the penal law
23 who has not been physically injured as a direct result of such crime
24 shall only be eligible for an award that includes loss of earning or
25 support, the unreimbursed cost of repair or replacement of essential
26 personal property that has been lost, damaged or destroyed as a direct
27 result of such crime, the unreimbursed cost for security devices to
28 enhance the personal protection of such victim, the cost of residing at
29 or utilizing services provided by shelters for battered spouses and
30 children as provided in subdivision one of section six hundred twenty-
31 six of this article, transportation expenses incurred for necessary
32 court appearances in connection with the prosecution of such crime, the
33 unreimbursed costs of counseling provided to such victim on account of
34 mental or emotional stress resulting from the incident in which the
35 crime occurred, the unreimbursed cost of crime scene cleanup and secur-
36 ing a crime scene, reasonable relocation expenses, and for occupational
37 or job training. For purposes of this subdivision, "necessary court
38 appearances" shall include, but not be limited to, any part of trial
39 from arraignment through sentencing, pre and post trial hearings and
40 grand jury hearings.

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