

STATE OF NEW YORK

7168

IN SENATE

January 10, 2020

Introduced by Sen. PARKER -- 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 eligibility of domestic partners for compensation from the office of victim services; to amend a chapter of the laws of 2019 amending the executive law relating to the eligibility of domestic partners for compensation from the crime victims' board, as proposed in legislative bills numbers S. 4958 and A. 2566, in relation to the application of certain provisions thereof; and to repeal certain provisions of the executive law relating thereto

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

1 Section 1. Subdivision 1-a of section 624 of the executive law, as
2 added by section 2 of a chapter of the laws of 2019 amending the execu-
3 tive law relating to the eligibility of domestic partners for compen-
4 sation from the crime victims' board, as proposed in legislative bills
5 numbers S. 4958 and A. 2566, is REPEALED.

6 § 2. Section 621 of the executive law is amended by adding a new
7 subdivision 25 to read as follows:

8 25. "Domestic partner" shall mean a person who, with respect to another
9 person:

10 (a) is formally a party in a domestic partnership or similar relation-
11 ship with the other person, entered into pursuant to the laws of the
12 United States or of any state, local or foreign jurisdiction, or regis-
13 tered as the domestic partner of the other person with any registry
14 maintained by the employer of either party or any state, municipality,
15 or foreign jurisdiction; or

16 (b) is formally recognized as a beneficiary or covered person under
17 the other person's employment benefits or health insurance; or

18 (c) is dependent or mutually interdependent on the other person for
19 support, as evidenced by the totality of the circumstances indicating a
20 mutual intent to be a domestic partner including but not limited to:
21 common ownership or joint leasing of real or personal property; common
22 householding, shared income or shared expenses; children in common;

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

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1 signs of intent to marry or become a domestic partner under paragraph
2 (a) or (b) of this subdivision; or the length of the personal relation-
3 ship of the persons.

4 Each party to a domestic partnership shall be considered to be the
5 domestic partner of the other party. "Domestic partner" shall not
6 include a person who is related to the other person by blood in a manner
7 that would bar marriage to the other person in New York state. "Domestic
8 partner" also shall not include any person who is less than eighteen
9 years of age or who is the adopted child of the other person or who is
10 related by blood in a manner that would bar marriage in New York state
11 to a person who is the lawful spouse of the other person.

12 § 3. Subdivision 4 of section 626 of the executive law, as added by
13 section 3 of a chapter of the laws of 2019 amending the executive law
14 relating to the eligibility of domestic partners for compensation from
15 the crime victims' board, as proposed in legislative bills numbers S.
16 4958 and A. 2566, is REPEALED.

17 § 4. Subdivision 1 of section 626 of the executive law, as amended by
18 chapter 104 of the laws of 2015, is amended to read as follows:

19 1. Out-of-pocket loss shall mean unreimbursed and unreimbursable
20 expenses or indebtedness reasonably incurred for medical care or other
21 services necessary as a result of the injury upon which such claim is
22 based, including such expenses incurred as a result of the exacerbation
23 of a pre-existing disability or condition directly resulting from the
24 crime or causally related to the crime. Such expenses or indebtedness
25 shall include the cost of counseling for the eligible spouse, domestic
26 partner, grandparents, parents, stepparents, guardians, brothers,
27 sisters, stepbrothers, stepsisters, children, stepchildren or grandchil-
28 dren of a homicide victim, and crime victims who have sustained a
29 personal physical injury as the direct result of a crime and the spouse,
30 children or stepchildren of such physically injured victim. For the
31 purposes of this subdivision, the victim of a sex offense as defined in
32 article one hundred thirty of the penal law is presumed to have suffered
33 physical injury. Such counseling may be provided by local victim service
34 programs, where available. It shall also include the cost of residing at
35 or utilizing services provided by shelters for battered spouses and
36 children who are eligible pursuant to subdivision two of section six
37 hundred twenty-four of this article, and the cost of reasonable attor-
38 neys' fees for representation before the office and/or before the appel-
39 late division upon judicial review not to exceed one thousand dollars.

40 § 5. Paragraph (e) of subdivision 5 of section 631 of the executive
41 law, as amended by section 22 of part A1 of chapter 56 of the laws of
42 2010, is amended to read as follows:

43 (e) Notwithstanding any inconsistent provision of this article, where
44 a police officer or firefighter, both paid and volunteer, dies from
45 injuries received in the line of duty as a direct result of a crime, the
46 office may, without regard to the financial difficulty of the claimant,
47 make an award for the unreimbursed counseling expenses of the eligible
48 spouse, domestic partner, parents, brothers, sisters or children of such
49 victim, and/or the reasonable burial expenses incurred by the claimant.

50 § 6. Section 4 of a chapter of the laws of 2019 amending the executive
51 law relating to the eligibility of domestic partners for compensation
52 from the crime victims' board, as proposed in legislative bills numbers
53 S. 4958 and A. 2566, is amended to read as follows:

54 § 4. This act shall take effect on the one hundred eightieth day after
55 it shall have become a law and shall apply to claims filed on or after
56 such date.

1 § 7. This act shall take effect on the same date and in the same
2 manner as a chapter of the laws of 2019 amending the executive law
3 relating to eligibility of domestic partners for compensation from the
4 crime victims' board, as proposed in legislative bills numbers S. 4958
5 and A. 2566, takes effect.