

# STATE OF NEW YORK

5443

2019-2020 Regular Sessions

## IN SENATE

May 1, 2019

Introduced by Sen. PERSAUD -- (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 AN ACT to amend the executive law, in relation to the reimbursement of employment-related transportation expenses necessary as the result of a crime

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

1 Section 1. Section 621 of the executive law is amended by adding a new  
2 subdivision 25 to read as follows:

3 25. "Employment-related transportation expenses" shall mean the costs  
4 in excess of those normally expended by a victim to get to and from  
5 their places of employment, due to the personal physical injuries  
6 sustained as a direct result of the crime upon which the claim is based.  
7 If required by law, such places of employment shall be reported to the  
8 appropriate taxing authority. Such costs shall not include the purchase,  
9 lease or rental of a vehicle.

10 § 2. Subdivision 2 of section 631 of the executive law, as amended by  
11 chapter 494 of the laws of 2018, is amended to read as follows:

12 2. Any award made pursuant to this article shall be in an amount not  
13 exceeding out-of-pocket expenses, including indebtedness reasonably  
14 incurred for medical or other services necessary as a result of the  
15 injury upon which the claim is based; loss of earnings or support  
16 resulting from such injury not to exceed thirty thousand dollars; loss  
17 of savings not to exceed thirty thousand dollars; burial expenses not  
18 exceeding six thousand dollars of a victim who died on or after November  
19 first, nineteen ninety-six as a direct result of a crime; the costs of  
20 crime scene cleanup and securing of a crime scene not exceeding twenty-  
21 five hundred dollars; reasonable relocation expenses not exceeding twenty-  
22 five hundred dollars; reasonable employment-related transportation  
23 expenses, not exceeding twenty-five hundred dollars and the unreimbursed

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

LBD09239-01-9

1 cost of repair or replacement of articles of essential personal property  
2 lost, damaged or destroyed as a direct result of the crime. An award for  
3 loss of earnings shall include earnings lost by a parent or guardian as  
4 a result of the hospitalization of a child victim under age eighteen for  
5 injuries sustained as a direct result of a crime. In addition to the  
6 medical or other services necessary as a result of the injury upon which  
7 the claim is based, an award may be made for rehabilitative occupational  
8 training for the purpose of job retraining or similar employment-orient-  
9 ed rehabilitative services based upon the claimant's medical and employ-  
10 ment history. For the purpose of this subdivision, rehabilitative occu-  
11 pational training shall include but not be limited to educational  
12 training and expenses. An award for rehabilitative occupational training  
13 may be made to a victim, or to a family member of a victim where neces-  
14 sary as a direct result of a crime. An award for employment-related  
15 transportation expenses shall be limited to the time period necessary  
16 due to the personal physical injuries sustained as a direct result of  
17 the crime upon which the claim is based, as determined by the medical  
18 information collected during the investigation of the claim.

19 § 3. This act shall take effect on the one hundred eightieth day after  
20 it shall have become law; provided, however, that if chapter 494 of the  
21 laws of 2018 shall not have taken effect on or before such date then  
22 section two of this act shall take effect on the same date and in the  
23 same manner as such chapter of the laws of 2018 takes effect.