

# STATE OF NEW YORK

9138--A

## IN ASSEMBLY

January 31, 2022

Introduced by M. of A. LUNSFORD, CONRAD, HUNTER, GALEF, WALLACE, NIOU --  
read once and referred to the Committee on Ways and Means -- committee  
discharged, bill amended, ordered reprinted as amended and recommitted  
to said committee

AN ACT to amend the state finance law and the tax law, in relation to  
establishing the child victims act fund; and making an appropriation  
therefor

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

1 Section 1. The state finance law is amended by adding a new section  
2 99-pp to read as follows:

3 § 99-pp. Child victims act fund. 1. There is hereby established in the  
4 joint custody of the commissioner of taxation and finance, the comp-  
5 troller, and the commissioner of the division of criminal justice  
6 services, a special fund to be known as the "child victims act fund".  
7 Monies in the fund shall be kept separate from and not commingled with  
8 other funds.

9 2. Such funds shall consist of the revenues received by the department  
10 of taxation and finance, pursuant to the provisions of sections two  
11 hundred nine-p and six hundred thirty-k of the tax law and all other  
12 moneys appropriated, credited, or transferred thereto from any other  
13 fund or source pursuant to law. Nothing contained in this section shall  
14 prevent the state from receiving grants, gifts, or bequests for the  
15 purpose of the fund as defined in this section and depositing them into  
16 the fund according to law.

17 3. On or before the first day of February each year, the commissioner  
18 of the division of criminal justice services shall provide a written  
19 report to the temporary president of the senate, the speaker of the  
20 assembly, the chair of the senate finance committee, the chair of the  
21 assembly ways and means committee, the comptroller, and the public. Such  
22 report shall include how the monies of the fund were utilized during the  
23 preceding calendar year, and shall include:

24 (a) the amount of money disbursed from the fund and the award process  
25 for such disbursement;

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

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- 1 (b) recipients of awards from the fund;
- 2 (c) the amount awarded to each recipient;
- 3 (d) the purpose for which such awards were granted; and
- 4 (e) a summary financial plan for such monies which shall include esti-
- 5 mates of all receipts and all disbursements for the current and succeed-
- 6 ing fiscal years, along with the actual results from the prior fiscal
- 7 year.

8 4. Monies of the fund shall be expended only in reimbursement to  
 9 public school districts and voluntary foster care agencies located with-  
 10 in the state of New York who have been named as defendants in legal  
 11 actions pursuant to section two hundred fourteen-g of the civil practice  
 12 law and rules and in which:

13 (a) it can be demonstrated by the public school district or voluntary  
 14 foster care agency that no insurance policy for the covered period can  
 15 be located after a good-faith effort to do so has been made;

16 (b) where there was a monetary judgment issued or settlement agreement  
 17 with regard to such action; and

18 (c) where it can be demonstrated by the public school district or  
 19 voluntary foster care agency that payment in full of such judgment or  
 20 settlement would put a substantial burden on the district's or agency's  
 21 ability to execute its mission and negatively impact its existing  
 22 student population.

23 5. Monies shall be payable from the fund on the audit and warrant of  
 24 the comptroller on vouchers approved and certified by the commissioner  
 25 of the division of criminal justice services.

26 6. To the extent practicable, the commissioner of the division of  
 27 criminal justice services shall ensure that all monies received during a  
 28 fiscal year are expended prior to the end of that fiscal year.

29 § 2. The tax law is amended by adding a new section 209-p to read as  
 30 follows:

31 § 209-p. Gift for the child victims act fund. Effective for any tax  
 32 year commencing on or after January first, two thousand twenty-three, a  
 33 taxpayer in any taxable year may elect to contribute to the support of  
 34 the child victims act fund. Such contribution shall be in any whole  
 35 dollar amount and shall not reduce the amount of the state tax owed by  
 36 such taxpayer. The commissioner shall include space on the corporate  
 37 income tax return to enable a taxpayer to make such contribution.  
 38 Notwithstanding any other provision of law, all revenues collected  
 39 pursuant to this section shall be credited to the child victims act fund  
 40 and shall be used only for the purposes enumerated in section ninety-  
 41 nine-pp of the state finance law.

42 § 3. The tax law is amended by adding a new section 630-k to read as  
 43 follows:

44 § 630-k. Gift for the child victims act fund. Effective for any tax  
 45 year commencing on or after January first, two thousand twenty-three, a  
 46 taxpayer in any taxable year may elect to contribute to the support of  
 47 the child victims act fund. Such contribution shall be in any whole  
 48 dollar amount and shall not reduce the amount of the state tax owed by  
 49 such taxpayer. The commissioner shall include space on the personal  
 50 income tax return to enable a taxpayer to make such contribution.  
 51 Notwithstanding any other provision of law, all revenues collected  
 52 pursuant to this section shall be credited to the child victims act fund  
 53 and shall be used only for the purposes enumerated in section ninety-  
 54 nine-pp of the state finance law.

55 § 4. The sum of two hundred million dollars (\$200,000,000), or so much  
 56 thereof as may be necessary, is hereby appropriated to the child victims

1 act fund as established pursuant to section 99-pp of the state finance  
2 law from any moneys in the state treasury not otherwise appropriated and  
3 made immediately available to the division of criminal justice services  
4 for the purposes of carrying out the provisions of this act. Such moneys  
5 shall be payable on the audit and warrant of the comptroller on vouchers  
6 certified or approved by the commissioner of criminal justice services  
7 in the manner prescribed by law.  
8 § 5. This act shall take effect immediately.