

# STATE OF NEW YORK

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7489

2021-2022 Regular Sessions

## IN ASSEMBLY

May 11, 2021

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Introduced by M. of A. WALLACE, ZEBROWSKI -- (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 12 of section 631 of the executive law, as  
2 amended by chapter 179 of the laws of 2019, is amended to read as  
3 follows:

4 12. 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 two or three of  
7 section 120.14 of the penal law, menacing in the first degree as defined  
8 in section 120.13 of the penal law, criminal obstruction of breathing or  
9 blood circulation as defined in section 121.11 of the penal law, harass-  
10 ment in the second degree as defined in section 240.26 of the penal law,  
11 harassment in the first degree as defined in section 240.25 of the penal  
12 law, aggravated harassment in the second degree as defined in subdivi-  
13 sion three or five of section 240.30 of the penal law, aggravated  
14 harassment in the first degree as defined in subdivision two of section  
15 240.31 of the penal law, criminal contempt in the first degree as  
16 defined in subdivision (b) or subdivision (c) of section 215.51 of the  
17 penal law, or stalking in the fourth, third, second or first degree as  
18 defined in sections 120.45, 120.50, 120.55 and 120.60 of the penal law,  
19 respectively, or unlawful dissemination or publication of an intimate  
20 image as defined in section 245.15 of the penal law, or dissemination of  
21 an unlawful surveillance image in the second or first degree as defined  
22 in sections 250.55 and 250.60 of the penal law, respectively, or a hate  
23 crime as defined in section 485.05 of the penal law who has not been  
24 physically injured as a direct result of such crime shall only be eligi-

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

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1 ble for an award that includes loss of earning or support, the unreim-  
2 bursed cost of repair or replacement of essential personal property that  
3 has been lost, damaged or destroyed as a direct result of such crime,  
4 the unreimbursed cost for security devices to enhance the personal  
5 protection of such victim, the cost of residing at or utilizing services  
6 provided by shelters for battered spouses and children as provided in  
7 subdivision one of section six hundred twenty-six of this article,  
8 transportation expenses incurred for necessary court appearances in  
9 connection with the prosecution of such crime, the unreimbursed costs of  
10 counseling provided to such victim on account of mental or emotional  
11 stress resulting from the incident in which the crime occurred, the  
12 unreimbursed cost of crime scene cleanup and securing a crime scene,  
13 reasonable relocation expenses, and for occupational or job training.  
14 For purposes of this subdivision, "necessary court appearances" shall  
15 include, but not be limited to, any part of trial from arraignment  
16 through sentencing, pre and post trial hearings and grand jury hearings.  
17 § 2. This act shall take effect on the one hundred eightieth day after  
18 it shall have become a law and shall apply to all claims filed on and  
19 after such effective date.