

STATE OF NEW YORK

8619

IN ASSEMBLY

January 10, 2022

Introduced by M. of A. MEEKS -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to expanding access to victim compensation funds for victims and survivors of crime

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

1 Section 1. Subdivision 3 of section 621 of the executive law, as
2 amended by chapter 710 of the laws of 1996, is amended to read as
3 follows:

4 3. "Crime" shall mean (a) an act committed in New York state which
5 would, if committed by a mentally competent criminally responsible
6 adult, who has no legal exemption or defense, constitute a crime as
7 defined in and proscribed by law, regardless of whether any suspect was
8 arrested, charged, apprehended or prosecuted for the commission of such
9 act or whether the claimant has interacted with a criminal justice agen-
10 cy investigating such act; or

11 (b) an act committed outside the state of New York against a resident
12 of the state of New York which would be compensable had it occurred
13 within the state of New York and which occurred in a state which does
14 not have an eligible crime victim compensation program as such term is
15 defined in the federal victims of crime act of 1984; or

16 (c) an act of terrorism, as defined in section 2331 of title 18,
17 United States Code, committed outside of the United States against a
18 resident of New York state.

19 § 2. Subdivision 2 of section 625 of the executive law, as amended by
20 section 10 of part A-1 of chapter 56 of the laws of 2010, is amended to
21 read as follows:

22 2. A claim must be filed by the claimant not later than [~~one-year~~]
23 seven years after the occurrence or discovery of the crime upon which
24 such claim is based, [~~one-year~~] seven years after a court finds a
25 lawsuit to be frivolous, or not later than [~~one-year~~] seven years after
26 the death of the victim, provided, however, that upon good cause shown,
27 the office may extend the time for filing. The office shall extend the
28 time for filing where the claimant received no notice pursuant to

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

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1 section six hundred twenty-five-a of this article and had no knowledge
2 of eligibility pursuant to section six hundred twenty-four of this arti-
3 cle.

4 § 3. Paragraph (c) of subdivision 1 of section 627 of the executive
5 law, as added by section 18 of part A-1 of chapter 56 of the laws of
6 2010, is amended to read as follows:

7 (c) the investigation and determination of claims regardless of whether
8 the alleged criminal has been arrested, charged, apprehended, or
9 prosecuted for or convicted of any crime based upon the same incident,
10 or has been acquitted, or found not guilty of the crime in question
11 owing to criminal irresponsibility or other legal exemption;

12 § 4. Subdivision 1 of section 631 of the executive law, as separately
13 amended by chapters 189 and 295 of the laws of 2018, is amended to read
14 as follows:

15 1. No award shall be made unless the office finds that:

16 (a) a crime was committed[~~r~~];

17 (b) such crime directly resulted in personal physical injury to or the
18 exacerbation of a preexisting disability, or condition, or death of, the
19 victim[~~r~~]; and

20 (c) either: (i) criminal justice agency records show that such crime
21 was [promptly] reported to the proper authorities[~~r~~ and in no case may
22 an award be made where the criminal justice agency records show that
23 such report was made more than one week after the occurrence of such
24 crime unless the office, for good cause shown, finds the delay to have
25 been justified. Notwithstanding the foregoing provisions of this subdivi-
26 sion, in cases involving an alleged sex offense as contained in arti-
27 cle one hundred thirty of the penal law or incest as defined in section
28 255.25, 255.26 or 255.27 of the penal law or labor trafficking as
29 defined in section 135.35 of the penal law or sex trafficking as defined
30 in sections 230.34 and 230.34-a of the penal law or an offense chargea-
31 ble as a family offense as described in section eight hundred twelve of
32 the family court act or section 530.11 of the criminal procedure law,
33 the criminal justice agency report need only be made] within a reason-
34 able time considering all the circumstances, including the victim's
35 physical, emotional and mental condition and family situation[~~r~~]; or

36 (ii) evidence is provided to show that a qualifying crime has
37 occurred. Such evidence may include, but is not limited to, the follow-
38 ing:

39 (A) a written statement provided by a victim services provider who has
40 provided services to the victim of the crime, or other eligible claim-
41 ants as identified in section six hundred twenty-four of this article,
42 in response to the impact of the qualifying crime;

43 (B) a statement provided by a witness to the qualifying crime;

44 (C) a statement from the victim attesting to the victim's personal
45 physical injury or the exacerbation of a preexisting disability or
46 condition, provided that the office shall not require the disclosure of
47 confidential information relating to such physical injury;

48 (D) a temporary or permanent restraining order or protective order
49 issued by a court to protect or separate the victim, or other eligible
50 claimants as identified in section six hundred twenty-four of this arti-
51 cle, from the person who is responsible for the qualifying crime;

52 (E) a statement from a licensed medical provider, physician's assist-
53 ant, nurse practitioner or other person licensed to provide medical or
54 mental health care documenting that the victim experienced physical
55 injury or the exacerbation of a preexisting disability or condition, as
56 a result of the qualifying crime; or

1 (F) a video, audio, or photographic recording of the commission of the
2 qualifying crime.

3 For the purposes of this subdivision, "criminal justice agency" shall
4 include, but not be limited to, a police department, a district attor-
5 ney's office, and any other governmental agency having responsibility
6 for the enforcement of the criminal laws of the state provided, however,
7 that in cases involving such sex offense or family offense a criminal
8 justice agency shall also mean a family court, a governmental agency
9 responsible for child and/or adult protective services pursuant to title
10 six of article six of the social services law and/or title one of arti-
11 cle nine-B of the social services law, and any medical facility estab-
12 lished under the laws of the state that provides a forensic physical
13 examination for victims of rape and sexual assault.

14 § 5. This act shall take effect immediately.