STATE OF NEW YORK

6908

2021-2022 Regular Sessions

IN SENATE

May 20, 2021

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the executive law, in relation to eligibility requirements for victims of sex offenses to receive awards from the office of victim services

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

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

1. No award shall be made unless the office finds that (a) a crime was committed, (b) such crime directly resulted in personal physical injury to or the exacerbation of a preexisting disability, or condition, or death of, the victim, and (c) criminal justice agency records show that such crime was promptly reported to the proper authorities; and in no case may an award be made where the criminal justice agency records show that such report was made more than one week after the occurrence of such crime unless the office, for good cause shown, finds the delay to have been justified. Notwithstanding the foregoing provisions of this subdivision, in cases involving [~~an alleged sex offense as contained in article one hundred thirty of the penal law or~~] incest as defined in section 255.25, 255.26 or 255.27 of the penal law or labor trafficking as defined in section 135.35 of the penal law or sex trafficking as defined in sections 230.34 and 230.34-a of the penal law or an offense chargeable as a family offense as described in section eight hundred twelve of the family court act or section 530.11 of the criminal procedure law, the criminal justice agency report need only be made within a reasonable time considering all the circumstances, including the victim's physical, emotional and mental condition and family situation. For the purposes of this subdivision, "criminal justice agency" shall

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

LBD11543-01-1

include, but not be limited to, a police department, a district attorney's office, and any other governmental agency having responsibility for the enforcement of the criminal laws of the state provided, however, that in cases involving such sex offense or family offense a criminal justice agency shall also mean a family court, a governmental agency responsible for child and/or adult protective services pursuant to title six of article six of the social services law and/or title one of article nine-B of the social services law, and any medical facility established under the laws of the state that provides a forensic physical examination for victims of rape and sexual assault.

§ 2. Section 631 of the executive law is amended by adding a new subdivision 1-b to read as follows:

1-b. Notwithstanding the provisions of subdivision one of this section, in cases involving an alleged sex offense as contained in article one hundred thirty of the penal law, there shall be no time limitation for when a report shall be filed in order to be eligible to receive an award pursuant to this section. No victim of an alleged sex offense shall be required to participate in the criminal justice system, either prior to the examination or at any other time. A written or verbal statement made by a victim to a law enforcement officer, emergency department, sexual assault nurse examiner, or victim's advocate of an alleged sexual offense shall be deemed to be a report to a criminal justice agency and such statement shall be deemed to be reported to the proper authorities for the purposes of paragraph (c) of subdivision one of this section.

§ 3. This act shall take effect immediately.