

STATE OF NEW YORK

8603--A

IN SENATE

March 21, 2022

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to awards made to crime victims

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

1 Section 1. Subdivision 8 of section 621 of the executive law, as added
2 by chapter 197 of the laws of 1983, is amended to read as follows:

3 8. "Essential personal property" shall mean articles of personal prop-
4 erty necessary and essential to the health, welfare or safety of the
5 victim.

6 (a) Personal property necessary and essential to the welfare of the
7 victim shall mean personal property of a victim that is lost, damaged,
8 or stolen as a result of a crime and for which reimbursement or replace-
9 ment is reasonably necessary for the victim to restore stability or
10 maintain a reasonable and/or basic standard of living.

11 (b) The office shall promulgate rules and regulations for the determi-
12 nation and approval of what constitutes property reasonably necessary to
13 restore or maintain a reasonable and/or basic standard of living
14 consistent with this article.

15 § 2. Subdivision 9 of section 631 of the executive law, as amended by
16 chapter 487 of the laws of 2014, is amended to read as follows:

17 9. (a) Any award made for the cost of repair or replacement of essen-
18 tial personal property, including cash losses of essential personal
19 property, shall be limited to an amount of [~~five~~] twenty-five hundred
20 dollars, except that all cash losses of essential personal property
21 shall be limited to the amount of one hundred dollars. In the case of
22 medically necessary life-sustaining equipment which was lost or damaged
23 as the direct result of a crime, the award shall be limited to the
24 amount of ten thousand dollars.

25 (b) For property necessary and essential to the welfare of the victim,
26 the office may request that the claimant provide estimates or receipts

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

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for personal property lost, damaged or stolen as a result of the crime. A claimant's inability to produce a receipt for lost, stolen or damaged personal items shall not in itself disqualify a claimant from receiving reimbursement for such items. The office shall consider all the facts and circumstances of each case before making a determination.

(c) Personal property necessary and essential to the welfare of the victim shall include, but not be limited to, the following items lost, damaged, or stolen as a result of the crime:

(i) clothing;

(ii) shoes;

(iii) furniture;

(iv) appliances;

(v) electronics; and

(vi) bedding.

(d) Property necessary and essential to the welfare of the victim shall include, but not be limited to, the following:

(i) Sofa, couch, loveseat, or chair;

(ii) Dining table;

(iii) Bed/mattress;

(iv) Sheets, pillows, comforters and blankets;

(v) Lamp;

(vi) Refrigerator;

(vii) Microwave;

(viii) Stove;

(ix) Dishes and eating utensils;

(x) Television;

(xi) Telephone or cell phone;

(xii) Toys for children under six years old; and

(xiii) Stroller.

(e) Eligible essential personal property as specified in subdivision (d) of this section, including any property not specifically enumerated in subdivision (d) of this section, may be reimbursed at a reasonable rate as determined by the office, provided that such rate does not exceed twenty-five hundred dollars.

§ 3. Subdivision 9 of section 631 of the executive law, as amended by section 1 of part I of chapter 55 of the laws of 2022, is amended to read as follows:

9. (a) Any award made for the cost of repair or replacement of essential personal property, including cash losses of essential personal property, shall be limited to an amount of twenty-five hundred dollars, except that all cash losses of essential personal property shall be limited to the amount of one hundred dollars. In the case of medically necessary life-sustaining equipment which was lost or damaged as the direct result of a crime, the award shall be limited to the amount of ten thousand dollars.

(b) For property necessary and essential to the welfare of the victim, the office may request that the claimant provide estimates or receipts for personal property lost, damaged or stolen as a result of the crime. A claimant's inability to produce a receipt for lost, stolen or damaged personal items shall not in itself disqualify a claimant from receiving reimbursement for such items. The office shall consider all the facts and circumstances of each case before making a determination.

(c) Personal property necessary and essential to the welfare of the victim shall include, but not be limited to, the following items lost, damaged, or stolen as a result of the crime:

(i) clothing;

1 (ii) shoes;

2 (iii) furniture;

3 (iv) appliances;

4 (v) electronics; and

5 (vi) bedding.

6 (d) Property necessary and essential to the welfare of the victim
7 shall include, but not be limited to, the following:

8 (i) Sofa, couch, loveseat, or chair;

9 (ii) Dining table;

10 (iii) Bed/mattress;

11 (iv) Sheets, pillows, comforters and blankets;

12 (v) Lamp;

13 (vi) Refrigerator;

14 (vii) Microwave;

15 (viii) Stove;

16 (ix) Dishes and eating utensils;

17 (x) Television;

18 (xi) Telephone or cell phone;

19 (xii) Toys for children under six years old; and

20 (xiii) Stroller.

21 (e) Eligible essential personal property as specified in subdivision
22 (d) of this section, including any property not specifically enumerated
23 in subdivision (d) of this section, may be reimbursed at a reasonable
24 rate as determined by the office, provided that such rate does not
25 exceed twenty-five hundred dollars.

26 § 4. This act shall take effect immediately; provided, however, that
27 section three of this act shall take effect on the same date and in the
28 same manner as section 1 of part I of chapter 55 of the laws of 2022,
29 takes effect.