

STATE OF NEW YORK

303

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

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 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 section 1 of part I of chapter 55 of the laws of 2022, is amended to
17 read as follows:

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

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

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1 direct result of a crime, the award shall be limited to the amount of
2 ten thousand dollars.

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

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

13 (i) clothing;

14 (ii) shoes;

15 (iii) furniture;

16 (iv) appliances;

17 (v) electronics; and

18 (vi) bedding.

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

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

22 (ii) Dining table;

23 (iii) Bed/mattress;

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

25 (v) Lamp;

26 (vi) Refrigerator;

27 (vii) Microwave;

28 (viii) Stove;

29 (ix) Dishes and eating utensils;

30 (x) Television;

31 (xi) Telephone or cell phone;

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

33 (xiii) Stroller.

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

39 § 3. This act shall take effect immediately.