# 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:

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

8. "Essential personal property" shall mean articles of personal property necessary and essential to the health, welfare or safety of the victim.

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

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

§ 2. 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

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

LBD00655-01-3

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;**

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

§ 3. This act shall take effect immediately.