STATE OF NEW YORK

5443

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

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

AN ACT to amend the executive law, in relation to reports and awards by the office of victim services

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

Section 1. Section 623 of the executive law is amended by adding a new subdivision 18-a to read as follows:

18-a. To publicize through the office, state, county, and municipal criminal justice agencies, statewide coalitions, victim service providers, survivor support agencies, hospitals, medical, mental health or other counseling service providers, local programs for crime victims, and other public or private agencies, the existence of the programs funded by the office, including the procedures for obtaining compensation from the office as defined in section six hundred twenty-five-a of this article.

§ 2. Subdivision 20 of section 623 of the executive law, as amended by chapter 489 of the laws of 2014, is amended to read as follows:

20. To render [~~each year~~] **annually** to the governor and [~~to~~] the legislature**, and to the public via the office's website**, on or before December first of each year, a written report on the office's activities including, but not limited to, specific information on each of the subdivisions of this section. [~~Such~~]

(a) The annual report shall also include but not be limited to information regarding crime victim service programs, including:

[~~(1)~~] **(i)** the programs funded by the office;

[~~(2)~~] **(ii)** other sources of funding for crime victims service programs;

[~~(3)~~] **(iii)** an assessment of the adequacy of the current level of appropriation to the office to meet the reasonable needs of crime

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

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victims service programs for funding under section six hundred thirty-one-a of this article; and

[~~(4)~~] (iv) an estimate of the reasonable needs of programs in the next fiscal year.

(b) The annual report shall also include but not be limited to information regarding the office's performance measures, including:

(i) The number of claim applications filed with the office;

(ii) The number of claims accepted, including disaggregated data denoting the claims accepted by type, for eligibility determinations;

(iii) The number of claims rejected, including disaggregated data denoting the categorical reasons for claims rejected;

(iv) The number of claims resulting in no award decisions, including disaggregated data denoting the categorical reasons for no award decisions;

(v) The number of claims awarded, including disaggregated data denoting the claim type for claims awarded;

(vi) Anonymized data denoting the race, gender, age, sexual orientation, and county of residence for claim applications filed, claims accepted, claims rejected, claims resulting in no award decisions, and claims awarded;

(vii) Anonymized data denoting the crime involved in claim applications filed, claims accepted, claims rejected, claims resulting in no award decisions, and claims awarded; and

(viii) The average time between the office receiving an application, the determination of eligibility, and the first award to the victim.

(c) After December thirty-first, two thousand twenty-five, pursuant to paragraph (a) of subdivision one of section six hundred thirty-one, the annual report shall also include but not be limited to information regarding the records indicating the commission of a crime, including:

(i) The number of claims using the records of a support agency for survivors of crime, including disaggregated data denoting the categorical type of support agency for survivors of crime; and

(ii) The number of claims using the records of a criminal justice agency, including disaggregated data denoting the categorical type of criminal justice agency.

(d) The annual report shall also include but not be limited to information regarding the office's performance of the duty of publicization pursuant to subdivision eighteen-a of this section.

§ 3. Paragraphs (i), (j), and (k) of subdivision 1 of section 624 of the executive law, paragraph (i) as amended by section 9 of part A-1 of chapter 56 of the laws of 2010, paragraph (j) as added by chapter 427 of the laws of 1999, and paragraph (k) as amended by chapter 117 of the laws of 2017, are amended and a new paragraph (l) is added to read as follows:

(i) a surviving spouse of a crime victim who died from causes not directly related to the crime when such victim died prior to filing a claim with the office or subsequent to filing a claim but prior to the rendering of a decision by the office. Such award shall be limited to out-of-pocket loss incurred as a direct result of the crime; [~~and~~]

(j) a spouse, child or stepchild of a victim of a crime who has sustained personal physical injury as a direct result of a crime[~~.~~];

(k) a surviving spouse, grandparent, parent, stepparent, guardian, [~~brother, sister, stepbrother, stepsister,~~] sibling, stepsiblings, child, stepchild, or grandchild of a victim of a crime who died as a direct result of such crime and where such crime occurred in the residence shared by such family member or members and the victim[~~.~~]; and

(1) any person not otherwise eligible under this subdivision who has paid for or incurred the crime scene cleanup expenses, provided that such person shall only be eligible to receive an award pursuant to this article for crime scene cleanup.

§ 4. Subdivisions 1 and 1-a of section 625-a of the executive law, subdivision 1 as amended by section 15 of part A-1 of chapter 56 of the laws of 2010, and subdivision 1-a as added by chapter 416 of the laws of 1979, are amended to read as follows:

1. [~~Every~~] The office shall supply informative booklets, pamphlets and other pertinent written information, including information cards, to every police station, precinct house, support agency for survivors of crime as defined in paragraph (c) of subdivision one of section six hundred thirty-one of this article after December thirty-first, two thousand twenty-five, any appropriate location where a crime may be reported and any location required by the rules and regulations of the office [~~shall have available informative booklets, pamphlets and other pertinent written information, including information cards, to be supplied by the office~~], relating to the availability of crime victims compensation including all necessary application blanks required to be filed with the office and shall [~~display prominently~~] provide posters giving notification of the existence and general provisions of this article, those provisions of the penal law that prohibit the intimidation of crime victims and the location of the nearest crime victim service program. The office [~~may~~] shall issue guidelines for the prominent display of such posters and the location of such display [~~and shall provide posters, application forms, information cards and general information~~]. Every [~~victim who reports a crime in any manner whatsoever~~] appropriate location where a crime may be reported shall [~~be given~~] provide notice about the rights of crime victims and the existence of all relevant local victim's assistance programs and services pursuant to section six hundred twenty-five-b of this article, and [~~supplied by the person receiving the report with information,~~] supply application blanks[~~,~~] and information cards which shall clearly state: (a) that crime victims may be eligible for state compensation benefits; (b) the address and phone number of the office; (c) that police and district attorneys can help protect victims against harassment and intimidation; (d) the addresses and phone numbers of local victim service programs, where appropriate, or space for inserting that information; or (e) any other information the office deems appropriate. Such cards shall be printed and distributed by the office and shall be designed by the office in consultation with local police[~~, and shall be printed and distributed by the office~~]. The office shall develop a system for distributing a sufficient supply of the information cards referred to in this subdivision, to all the appropriate designated locations, which shall include a schedule for meeting that requirement.

1-a. [~~Every~~] The office shall supply posters giving notification of the existence and general provisions of this article, application blanks, and general information to every general hospital established under the laws of this state[~~, which~~] that maintains facilities for providing out-patient emergency medical care, and each such hospital shall display the posters prominently in its emergency room [~~posters giving notification of the existence and general provisions of this chapter~~]. The board [~~may~~] shall issue guidelines for the location of such display [~~and shall provide posters, application forms and general information regarding the provision of this chapter to each such hospital~~].

§ 5. Subdivision 2 of section 631 of the executive law, as amended by chapter 233 of the laws of 2020, is amended to read as follows:

2. Any award made pursuant to this article shall be in an amount not exceeding out-of-pocket expenses, including indebtedness reasonably incurred for medical or other services necessary as a result of the injury upon which the claim is based; loss of earnings or support resulting from such injury not to exceed thirty thousand dollars; loss of savings not to exceed thirty thousand dollars; burial expenses not exceeding [~~six~~] twelve thousand dollars [~~of a victim who died on or after November first, nineteen ninety-six as a direct result of a crime~~]; the costs of crime scene cleanup and securing of a crime scene not exceeding twenty-five hundred dollars; reasonable relocation expenses not exceeding twenty-five hundred dollars; reasonable employment-related transportation expenses, not exceeding twenty-five hundred dollars and the unreimbursed cost of repair or replacement of articles of essential personal property lost, damaged or destroyed as a direct result of the crime. An award for loss of earnings shall include earnings lost by a parent or guardian as a result of the hospitalization of a child victim under age eighteen for injuries sustained as a direct result of a crime. In addition to the medical or other services necessary as a result of the injury upon which the claim is based, an award may be made for rehabilitative occupational training for the purpose of job retraining or similar employment-oriented rehabilitative services based upon the claimant's medical and employment history. For the purpose of this subdivision, rehabilitative occupational training shall include but not be limited to educational training and expenses. An award for rehabilitative occupational training may be made to a victim, or to a family member of a victim where necessary as a direct result of a crime. An award for employment-related transportation expenses shall be limited to the time period necessary due to the personal physical injuries sustained as a direct result of the crime upon which the claim is based, as determined by the medical information collected during the investigation of the claim.

§ 6. Subdivisions 4 and 5 of section 631 of the executive law, as amended by section 22 of part A-1 of chapter 56 of the laws of 2010, paragraph (e) of subdivision 5 as amended by chapter 70 of the laws of 2020, paragraph (f) of subdivision 5 as added by section 5 of part H of chapter 55 of the laws of 2017, and paragraph (g) of subdivision 5 as added by chapter 494 of the laws of 2018, are amended to read as follows:

4. **(a) Any award made pursuant to this article shall be reduced by the amount of any payments received or to be received by the claimant as a result of the injury from federal or federally financed state and local programs.**

(b) Any award made pursuant to this article [~~shall~~] **may** be reduced by the amount of any payments received or to be received by the claimant as a result of the injury [~~(a)~~] **(i)** from or on behalf of the person who committed the crime, [~~(b)~~] **(ii)** under insurance programs mandated by law, [~~(c) from public funds, (d)~~] **(iii)** under any contract of insurance wherein the claimant is the insured or beneficiary, [~~(e)~~] **(iv)** as an emergency award pursuant to section six hundred thirty of this article.

(c) Notwithstanding the [~~foregoing~~] **provisions of paragraphs (a) and (b) of this subdivision**, where the person injured is a livery operator victim, because undue hardship may result to the claimant if immediate payment is not made, any award pursuant to paragraphs (f) and (g) of subdivision one of section six hundred twenty-seven of this article

shall be granted without reduction for workers' compensation benefits to be received, if any.

(d) Notwithstanding the provisions of paragraphs (a) and (b) of this subdivision, any award made pursuant to this article shall not be reduced by the amount of any payments received or to be received by the claimant as a result of private donations, including but not limited to funds raised through crowdfunding platforms.

5. (a) [~~In determining the amount of an award, the office shall determine whether, because of his conduct, the victim of such crime contributed to the infliction of his injury, and the office shall reduce the amount of the award or reject the claim altogether, in accordance with such determination.~~

~~(b) Notwithstanding the provisions of paragraph (a) of this subdivision, the office shall disregard for this purpose the responsibility of the victim for his own injury where the record shows that the person injured was acting as a good samaritan, as defined in this article.~~

~~(c)~~] Notwithstanding any inconsistent provision of this article, where the person injured acted as a good samaritan, the office may, without regard to the financial difficulty of the claimant, make an award for out-of-pocket losses. Such award may also include compensation for any loss of property up to five thousand dollars suffered by the victim during the course of [~~his~~] **their** actions as a good samaritan.

[~~(d)~~] **(b)** Notwithstanding any inconsistent provision of this article, where a person acted as a good samaritan, and was killed as a direct result of the crime, the office may, without regard to the financial difficulty of the claimant, make a lump sum award to such claimant for actual loss of support not to exceed thirty thousand dollars.

[~~(e)~~] **(c)** Notwithstanding any inconsistent provision of this article, where a police officer or firefighter, both paid and volunteer, dies from injuries received in the line of duty as a direct result of a crime, the office may, without regard to the financial difficulty of the claimant, make an award for the unreimbursed counseling expenses of the eligible spouse, domestic partner, parents, [~~brothers, sisters~~] **siblings** or children of such victim, and/or the reasonable burial expenses incurred by the claimant.

[~~(f) Notwithstanding the provisions of paragraph (a) of this subdivision, the office shall disregard for this purpose the responsibility of the victim for his or her own loss of savings.~~

~~(g) Notwithstanding the provisions of paragraph (a) of this subdivision, if the crime upon which the claim is based resulted in the death of the victim, the office shall determine whether, because of his or her conduct, the victim of such crime contributed to the infliction of his or her injury, and the office may reduce the amount of the award by no more than fifty percent, in accordance with such determination.~~]

§ 7. This act shall take effect immediately.