STATE OF NEW YORK

10166

IN ASSEMBLY

February 12, 2026

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

AN ACT to amend the executive law, in relation to establishing the division of the crime victims' statewide advocate to represent crime victims' legal interests

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

Section 1. The executive law is amended by adding a new section 631-b to read as follows:

§ 631-b. Crime victims' statewide advocate. 1. For the purposes of this section:

(a) "advocate" means the crime victims' advocate, the individual head of the division of the crime victims' statewide advocate;

(b) "the division" means the division of the crime victims' statewide advocate, as established by this section; and

(c) "the director" means the director of the office of victim services.

2. There is hereby established within the office of victim services the division of the crime victims' statewide advocate, the head of which shall be the crime victims' advocate. The crime victims' advocate shall be appointed by the director of the office with the advice of the office's advisory council, shall receive a salary to be fixed by the director within the amount appropriated therefor, and shall not be discharged except for just cause.

3. The crime victims' advocate, subject to rules prescribed by the director or the governor, shall establish bureaus or local offices in each county under the division of the crime victims' advocate as such advocate may deem necessary and may appoint such deputies, assistants, and other employees as may be needed for the performance of such advocate's duties and the mission of the division and may prescribe their powers and duties and fix their compensation within the amount appropriated therefor. The principal office of the division shall be in the city of Albany, there shall be at least one office of substantial presence in the city of New York, and there shall be an office of adequate presence

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

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within each county. Branch offices may be established at the discretion of the director or the governor, subject to appropriations for maintenance of such offices.

4. The office of crime victims' statewide advocate shall have the following powers and duties:

(a) provide legal representation to victims and witnesses of crimes who are served with judicial orders to allow criminal defendants or their representatives to gain access to such victim or witness's home or place of business, pursuant to subdivision two of section 245.30 of the criminal procedure law;

(b) provide legal representation to any crime victim or witness with regard to any legal action related to section 245.30 of the criminal procedure law;

(c) provide legal assistance with any victim compensation applications, provided, however, such victim has exhausted other assistance available through the office, absent extenuating circumstances;

(d) provide information on victims' and witnesses' legal rights and protections with regard to criminal process; and

(e) assist victims to submit comments and statements to courts and parole boards.

§ 2. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ 3. This act shall take effect January 1, 2026. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.