

STATE OF NEW YORK

5443--B

2025-2026 Regular Sessions

IN ASSEMBLY

February 14, 2025

Introduced by M. of A. CHANDLER-WATERMAN, MEEKS, LUCAS, FORREST, BURROUGHS, SIMONE -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "survivors first act".

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

5 18-a. To publicize through the office, state, county, and municipal
6 criminal justice agencies, statewide coalitions, victim service provid-
7 ers, survivor support agencies, hospitals, medical, mental health or
8 other counseling service providers, local programs for crime victims,
9 and other public or private agencies, the existence of the programs
10 funded by the office, including the procedures for obtaining compen-
11 sation from the office as defined in section six hundred twenty-five-a
12 of this article.

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

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

20 (a) The annual report shall also include but not be limited to infor-
21 mation regarding crime victim service programs, including:

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

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

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1 ~~[(2)]~~ (ii) other sources of funding for crime victims service
2 programs;
3 ~~[(3)]~~ (iii) an assessment of the adequacy of the current level of
4 appropriation to the office to meet the reasonable needs of crime
5 victims service programs for funding under section six hundred thirty-
6 one-a of this article; and
7 ~~[(4)]~~ (iv) an estimate of the reasonable needs of programs in the next
8 fiscal year.

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

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

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

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

16 (iv) the number of claims resulting in no award decisions, including
17 disaggregated data denoting the categorical reasons for no award deci-
18 sions;

19 (v) the number of claims awarded, including disaggregated data denot-
20 ing the claim type for claims awarded;

21 (vi) anonymized data denoting the race, gender, age, sexual orien-
22 tation, and county of residence for claim applications filed, claims
23 accepted, claims rejected, claims resulting in no award decisions, and
24 claims awarded;

25 (vii) anonymized data denoting the crime involved in claim applica-
26 tions filed, claims accepted, claims rejected, claims resulting in no
27 award decisions, and claims awarded; and

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

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

34 (i) the number of claims using the records of a support agency for
35 survivors of crime, including disaggregated data denoting the categori-
36 cal type of support agency for survivors of crime; and

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

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

43 § 4. Subdivisions 1 and 1-a of section 625-a of the executive law,
44 subdivision 1 as amended by section 15 of part A-1 of chapter 56 of the
45 laws of 2010, and subdivision 1-a as added by chapter 416 of the laws of
46 1979, are amended to read as follows:

47 1. ~~Every~~ The office shall supply informative booklets, pamphlets and
48 other pertinent written information, including information cards, to
49 every police station, precinct house, support agency for survivors of
50 crime as defined in paragraph (c) of subdivision one of section six
51 hundred thirty-one of this article after December thirty-first, two
52 thousand twenty-five, any appropriate location where a crime may be
53 reported and any location required by the rules and regulations of the
54 office ~~[shall have available informative booklets, pamphlets and other~~
55 ~~pertinent written information, including information cards, to be~~
56 ~~supplied by the office]~~, relating to the availability of crime victims

1 compensation including all necessary application blanks required to be
2 filed with the office [~~and shall display prominently~~], and to supply
3 posters giving notification of the existence and general provisions of
4 this article, those provisions of the penal law that prohibit the intim-
5 idation of crime victims and the location of the nearest crime victim
6 service program. The office [~~may issue~~] shall promulgate rules and regu-
7 lations for the effective implementation of such outreach plan, which
8 shall include guidelines for the [~~location of such~~] prominent display
9 [~~and shall provide~~] of such notification posters[, ~~application forms,~~
10 ~~information cards and general information~~]. Every [~~victim who reports a~~
11 ~~crime in any manner whatsoever~~] appropriate location where a crime may
12 be reported shall be [~~given~~] included in the outreach plan, which shall
13 provide such appropriate locations with instructions regarding notice
14 about the rights of crime victims and the existence of all relevant
15 local victim's assistance programs and services pursuant to section six
16 hundred twenty-five-b of this article, and [~~supplied by the person~~
17 ~~receiving the report with information,~~] the distribution of application
18 blanks[, ~~and~~] and information cards which shall clearly state: (a) that
19 crime victims may be eligible for state compensation benefits; (b) the
20 address and phone number of the office; (c) that police and district
21 attorneys can help protect victims against harassment and intimidation;
22 (d) the addresses and phone numbers of local victim service programs,
23 where appropriate, or space for inserting that information; or (e) any
24 other information the office deems appropriate. Such cards shall be
25 printed and distributed by the office and shall be designed by the
26 office in consultation with local police[, ~~and shall be printed and~~
27 ~~distributed by the office~~]. The office shall develop a system for
28 distributing a sufficient supply of the information cards referred to in
29 this subdivision, to all the appropriate designated locations, which
30 shall include a schedule for meeting that requirement.

31 1-a. [~~Every~~] The office shall supply posters giving notification of
32 the existence and general provisions of this article, application
33 blanks, and general information to every general hospital established
34 under the laws of this state[, ~~which~~] that maintains facilities for
35 providing out-patient emergency medical care, and each such hospital
36 shall display the posters prominently in its emergency room [~~posters~~
37 ~~giving notification of the existence and general provisions of this~~
38 ~~chapter~~]. The [~~board may issue guidelines~~] office shall promulgate
39 rules and regulations for the [~~location of such display and shall~~
40 ~~provide posters, application forms and general information regarding the~~
41 ~~provision of~~] effective implementation of this [~~chapter to each such~~
42 ~~hospital~~] subdivision.

43 § 5. Subdivisions 4 and 5 of section 631 of the executive law, subdivi-
44 sion 4 as amended by section 22 of part A-1 of chapter 56 of the laws
45 of 2010 and subdivision 5 as amended by section 2 of part G of chapter
46 55 of the laws of 2025, are amended to read as follows:

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

51 (b) Any award made pursuant to this article [~~shall~~] may be reduced by
52 the amount of any payments received or to be received by the claimant as
53 a result of the injury [~~(a)~~] (i) from or on behalf of the person who
54 committed the crime, [~~(b)~~] (ii) under insurance programs mandated by
55 law, [~~(c)~~] (iii) from public funds, [~~(d)~~] (iv) under any contract of
56 insurance wherein the claimant is the insured or beneficiary, [~~(e)~~] (v)

1 as an emergency award pursuant to section six hundred thirty of this
2 article.

3 (c) Notwithstanding the ~~[foregoing]~~ provisions of paragraphs (a) and
4 (b) of this subdivision, where the person injured is a livery operator
5 victim, because undue hardship may result to the claimant if immediate
6 payment is not made, any award pursuant to paragraphs (f) and (g) of
7 subdivision one of section six hundred twenty-seven of this article
8 shall be granted without reduction for workers' compensation benefits to
9 be received, if any.

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

15 5. (a) ~~[Except as provided in paragraph (g) of this subdivision, in~~
16 ~~determining the amount of an award, the office shall determine whether,~~
17 ~~because of such victim's conduct, the victim of such crime contributed~~
18 ~~to the infliction of such victim's injury, and the office shall reduce~~
19 ~~the amount of the award or reject the claim altogether, in accordance~~
20 ~~with such determination.~~

21 ~~(b) Notwithstanding the provisions of paragraph (a) of this subdivi-~~
22 ~~sion, the office shall disregard for this purpose the responsibility of~~
23 ~~the victim for such victim's own injury where the record shows that the~~
24 ~~person injured was acting as a good samaritan, as defined in this arti-~~
25 ~~cle.~~

26 ~~(c)~~ Notwithstanding any inconsistent provision of this article, where
27 the person injured acted as a good samaritan, the office may, without
28 regard to the financial difficulty of the claimant, make an award for
29 out-of-pocket losses. Such award may also include compensation for any
30 loss of property up to five thousand dollars suffered by the victim
31 during the course of such victim's actions as a good samaritan.

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

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

44 ~~(f) Notwithstanding the provisions of paragraph (a) of this subdivi-~~
45 ~~sion, the office shall disregard for this purpose the responsibility of~~
46 ~~the victim for such victim's own loss of savings.~~

47 ~~(g) Notwithstanding the provisions of paragraph (a) of this subdivi-~~
48 ~~sion, when determining a claim made by a person eligible under paragraph~~
49 ~~(b), (c) or (d) of subdivision one of section six hundred twenty-four of~~
50 ~~this article, if the crime upon which the claim is based resulted in the~~
51 ~~death of the victim, the office shall not consider whether, because of~~
52 ~~their conduct, the victim of such crime contributed to their death.]~~

53 § 6. This act shall take effect on the one hundred twentieth day after
54 it shall have become a law.