§ 621. Definitions. For the purposes of this article:

1. "Office" shall mean the office of victim services.

2. "Claimant" shall mean the person filing a claim pursuant to this article.

3. "Crime" shall mean (a) an act committed in New York state which would, if committed by a mentally competent criminally responsible adult, who has no legal exemption or defense, constitute a crime as defined in and proscribed by law, regardless of whether any suspect was arrested, charged, apprehended or prosecuted for the commission of the act or whether the claimant has interacted with a criminal justice agency investigating such act; or

(b) an act committed outside the state of New York against a resident of the state of New York which would be compensable had it occurred within the state of New York and which occurred in a state which does not have an eligible crime victim compensation program as such term is defined in the federal victims of crime act of 1984; or

(c) an act of terrorism, as defined in section 2331 of title 18, United States Code, committed outside of the United States against a resident of New York state.

4. "Family", when used with reference to a person, shall mean (a) any person related to such person within the third degree of consanguinity or affinity, (b) any person maintaining a sexual relationship with such person, or (c) any person residing in the same household with such person.

5. "Victim" shall mean (a) a person who suffers personal physical injury as a direct result of a crime; (b) a person who is the victim of either the crime of (1) unlawful imprisonment in the first degree as defined in section 135.10 of the penal law, (2) kidnapping in the second degree as defined in section 135.20 of the penal law, (3) kidnapping in the first degree as defined in section 135.25 of the penal law, (4) menacing in the first degree as defined in section 120.13 of the penal law, (5) criminal obstruction of breathing or blood circulation as

defined in section 121.11 of the penal law, (6) harassment in the second degree as defined in section 240.26 of the penal law, (7) harassment in the first degree as defined in section 240.25 of the penal law, (8) aggravated harassment in the second degree as defined in subdivision three or five of section 240.30 of the penal law, (9) aggravated harassment in the first degree as defined in subdivision two of section 240.31 of the penal law, (10) criminal contempt in the first degree as defined in subdivision (b) or subdivision (c) of section 215.51 of the penal law, (11) stalking in the fourth, third, second or first degree as defined in sections 120.45, 120.50, 120.55 and 120.60 of the penal law, (12) labor trafficking as defined in section 135.35 of the penal law, (13) sex trafficking as defined in section 230.34 of the penal law; or (14) sex trafficking of a child as defined in section 230.34-a of the penal law; a vulnerable elderly person or an incompetent or physically disabled person as defined in section 260.31 of the penal law who incurs a loss of savings as defined in subdivision twenty-four of this section; or a person who has had a frivolous lawsuit filed against them.

6. "Representative" shall mean one who represents or stands in the place of another person, including but not limited to an agent, an assignee, an attorney, a guardian, a committee, a conservator, a partner, a receiver, an administrator, an executor or an heir of another person, or a parent of a minor.

7. "Good samaritan" shall mean a person who, other than a law enforcement officer, acts in good faith (a) to apprehend a person who has committed a crime in his presence or who has in fact committed a felony, (b) to prevent a crime or an attempted crime from occurring, or (c) to aid a law enforcement officer in effecting an arrest.

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

9. "Elderly victim" shall mean a person sixty years of age or older who suffers loss, or damage as a direct result of a crime.

10. "Disabled victim" shall mean a person who has a physical, mental or medical impairment, as evidenced by medical records, which prevents the exercise of a normal bodily function at the time of the crime.

11. For purposes of this article "child victim" shall mean a person less than eighteen years of age who suffers physical, mental or emotional injury, or loss or damage, as a direct result of a crime or any violation listed in subdivision twelve of section six hundred thirty-one of this article, or as a result of witnessing a crime or any violation listed in subdivision twelve of section six hundred thirty-one of this article.

12. "Frivolous lawsuit" shall mean a lawsuit brought by the individual who committed a crime against the victim of the crime, found to be frivolous, meritless and commenced to harass, intimidate or menace the victim by a court and costs were imposed upon the plaintiff pursuant to section eighty-three hundred three-a of the civil practice law and rules.

13. "Crime scene cleanup" shall mean removing, or attempting to remove from the crime scene, blood, dirt, stains, debris, odors, or other impurities caused by the crime or the processing of the crime scene and the repair or replacement of permanent fixtures and floor coverings, soiled, damaged, or rendered unusable or uncleanable by the crime, the processing of the crime scene, or by being taken into evidence.

14. "Securing a crime scene" shall mean taking immediate, emergency steps to return the residence where the crime occurred to the level of safety present prior to the crime. It shall include, but not be limited to, the repair or replacement of doors, windows, screens and locks or other points of entry damaged or rendered unusable by the crime.

15. "Livery" shall mean a for-hire vehicle duly licensed by the appropriate local licensing authority, designed to carry no more than five passengers for direct cash payment by such passenger and which is affiliated with a livery car base. The term "livery" shall not include a vehicle driven by a "black car operator", as defined in section one

hundred sixty-cc of this chapter.

16. "Livery car base" shall mean a central facility, wherever located, that dispatches the livery operator to both pick-up and discharge passengers in the state.

17. "Livery operator" shall mean the registered owner of a livery, or a driver designated by such registered owner to operate the registered owner's livery as the registered owner's authorized designee, whose status as a livery operator victim arose out of and in the course of providing services while affiliated with a livery car base. The term "livery operator" shall not include a "black car operator", as defined in section one hundred sixty-cc of this chapter.

18. "Livery operator victim" shall mean a livery operator homicide victim or a livery operator assault victim.

19. "Livery operator assault victim" shall mean a livery operator who is the victim of a violent felony offense, as defined in subdivision one of section 70.02 of the penal law, which offense directly results in a serious physical injury, as defined in subdivision ten of section 10.00 of the penal law.

20. "Livery operator homicide victim" shall mean a livery operator who is the victim of a homicide, as defined in article one hundred twenty-five of the penal law.

21. "Local licensing authority" shall mean the governmental agency in the state, if any, that is authorized to license a livery and/or a livery car base.

22. "Financial counselling" shall mean financial services provided by an experienced financial counsellor or adviser which may include, but are not limited to: analysis of a victim's financial situation such as income producing capacity and crime related financial obligations, assistance with restructuring budget and debt, assistance in accessing insurance, public assistance and other benefits, assistance in

completing the financial aspects of victim impact statements, and assistance in settling estates and handling guardianship matters.

23. "Relocation expenses" shall mean the cost of relocating a crime victim, when relocation is necessary for the health or safety of the victim. An award for relocation expenses of a victim shall include the reasonable cost of moving and transportation expenses for (a) the victim, which may include the relocation expenses of their spouse and any other person dependent for his or her principal support upon the victim or spouse who lives in the same residence as the victim, or (b) if the victim is a child victim eligible for such an award pursuant to this article, the child victim, which may include the relocation expenses of their parent, stepparent, guardian and any other person dependent for his or her principal support upon such parent, stepparent, and guardian who lives in the same residence as the child victim.

24. "Loss of savings" shall mean the result of any act or series of acts of larceny as defined in article one hundred fifty-five of the penal law, indicated by a criminal justice agency as defined in subdivision one of section six hundred thirty-one of this article, in which cash is stolen from a vulnerable elderly person or an incompetent or physically disabled person as defined in section 260.31 of the penal law.

* 25. "Domestic partner" shall mean a person who, with respect to another person:

(a) is formally a party in a domestic partnership or similar relationship with the other person, entered into pursuant to the laws of the United States or of any state, local or foreign jurisdiction, or registered as the domestic partner of the other person with any registry maintained by the employer of either party or any state, municipality, or foreign jurisdiction; or

(b) is formally recognized as a beneficiary or covered person under the other person's employment benefits or health insurance; or

(c) is dependent or mutually interdependent on the other person for support, as evidenced by the totality of the circumstances indicating a mutual intent to be a domestic partner including but not limited to: common ownership or joint leasing of real or personal property; common

householding, shared income or shared expenses; children in common; signs of intent to marry or become a domestic partner under paragraph (a) or (b) of this subdivision; or the length of the personal relationship of the persons.

Each party to a domestic partnership shall be considered to be the domestic partner of the other party. "Domestic partner" shall not include a person who is related to the other person by blood in a manner that would bar marriage to the other person in New York state. "Domestic partner" also shall not include any person who is less than eighteen years of age or who is the adopted child of the other person or who is related by blood in a manner that would bar marriage in New York state to a person who is the lawful spouse of the other person.

* NB There are 2 sb 25's

* 25. "Employment-related transportation expenses" shall mean the costs in excess of those normally expended by a victim to get to and from their places of employment, due to the personal physical injuries sustained as a direct result of the crime upon which the claim is based. If required by law, such places of employment shall be reported to the appropriate taxing authority. Such costs shall not include the purchase, lease or rental of a vehicle.

* NB There are 2 sb 25's