



NEW YORK STATE SENATOR

Patrick M. Gallivan

More Crime Victims Eligible for Assistance Under New Law

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Legislation expanding assistance available for victims of hate crimes and certain other crimes often associated with domestic violence who were not physically injured during the crime is now effective. Signed by Governor Cuomo last summer, took effect February 18, 2019 and allows these individuals to apply for reimbursement of shelter costs and crime scene cleanup expenses from the New York State Office of Victim Services. The legislation was sponsored by Senator Patrick Gallivan and Assembly Majority Leader Crystal Peoples Stokes.

"Victims of domestic violence, hate crimes and other acts of violence deserve support in their ongoing recovery effort," said Senator Gallivan. "By expanding this program through the Office of Victim Services, we can ensure that more innocent crime victims have the resources they need to recover from their ordeal. Widening the safety net will help residents across the state."

"Now victims and survivors of heinous acts of domestic violence and hate crimes who don't bear the physical scars from their attacks will be eligible to receive much needed support to get their lives, homes, and families safe and secure," said Assembly Majority Leader Crystal People-Stokes. "I applaud Governor Cuomo and the Office of Victims services for their commitment to providing what is right and just for all victims and survivors in New York State."

Previously, victims who were not physically injured during the crime were only eligible for certain OVS benefits if the charges included criminal obstruction of breathing or blood circulation; certain menacing, harassment, aggravated harassment, criminal contempt and stalking offenses; and hate crimes. These individuals were eligible to seek compensation from the agency for a variety of crime-related expenses, such as bills related to counseling and moving expenses, but crime scene cleanup and shelter costs were not included. These expenses are now covered for such claims filed with OVS starting today. Non-physically injured victims of certain menacing, criminal mischief and robbery offenses are included as those eligible to receive reimbursement for loss of earnings and counseling expenses.

Office of Victim Services Director Elizabeth Cronin said, "OVS is committed to helping all innocent victims of crime, and that includes those who may have not sustained a physical injury. The emotional effects of a crime can be just as damaging to an individual. With the expansion of these benefits, victims of domestic violence and hate crimes will have access to assistance and support on their road to recovery. We thank the Governor for recognizing the

importance of amending this law in an effort to help more victims of crime throughout the state."

In addition, vulnerable elderly or disabled individuals incapable of caring for themselves who have lost up to \$30,000 in savings because of a crime are eligible to seek OVS assistance. The change recognizes that many vulnerable elderly or disabled individuals fall victim to financial exploitation, as well as abuse, often by someone they know. Previously, the agency could only reimburse victims to this extent for loss of support or earnings. The age requirement established for vulnerable elderly under state law is at least 60 years old.

Furthermore, funeral home businesses that pay for burial costs on behalf of a family are eligible to then recover those expenses from the Office of Victim Services. Prior to this amendment, only an individual who paid or incurred burial expenses - a family member or a person who owned a funeral home - was eligible for reimbursement. This change modernized the law by acknowledging that funeral homes are now often associated with larger businesses operated by boards instead of individual owners. The Office of Victim Services can provide up to \$6,000 for burial expenses.

All of these legislative changes come at no cost to taxpayers. Funding for crime victims' compensation and reimbursement, as well as the Office of Victim Services' day-to-day operations comes entirely from the fines, mandatory surcharges and crime victim assistance fees that certain offenders must pay following conviction in New York State or federal courts.