The New York State Office of Victim Services (OVS) is issuing this advisory bulletin to notify you that effective April 18, 2019, OVS will be using FFY 2017 funds for payments for the second year of all OVS-funded Case Manager contracts. The federal special conditions that are attached to those funds can be accessed at the following link:

[FFY 2017 Federal Special Conditions](#)

If you have any questions on this matter, please reach out to your OVS contract manager.

On behalf of the New York State Office of Victim Services, thank you for your commitment to providing the highest quality services to innocent victims of crime in New York State.
Elizabeth Cronin, Esq.
Director
Section 1. Subdivisions 11 and 12 of section 631 of the executive law, subdivision 11 as added by chapter 543 of the laws of 1995 and subdivision 12 as amended by chapter 188 of the laws of 2014, are amended to read as follows:

11. Notwithstanding the provisions of subdivisions one, two and three of this section, an individual who was a victim of either the crime of: menacing in the second degree as defined in subdivision one of section 120.14 of the penal law; menacing in the third degree as defined in section 120.15 of the penal law; unlawful imprisonment in the first degree as defined in section 135.10 of the penal law; [er]; kidnapping in the first degree as defined in section 135.25 of the penal law; criminal mischief in the fourth degree as defined in subdivision four of section 145.00 of the penal law; robbery in the third degree as defined in subdivision one, paragraph b of subdivision two or subdivision three of section 160.10 of the penal law; or robbery in the first degree as defined in subdivisions two, three and four of section 160.15 of the penal law who has not been physically injured as a direct result of such crime shall only be eligible for an award that includes loss of earnings [or support] and the unreimbursed costs of counseling provided to such victim on account of mental or emotional stress resulting from the incident in which the crime occurred.

12. Notwithstanding the provisions of subdivisions one, two and three of this section, an individual who was a victim of either the crime of menacing in the second degree as defined in subdivision two or three of section 120.14 of the penal law, menacing in the first degree as defined in section 120.13 of the penal law, criminal obstruction of breathing or blood circulation as defined in section 121.11 of the penal law, harassment in the second degree as defined in [subdivision two or three of subdivision two of section 240.26 of the penal law, harassment in the first degree as defined in subdivision two of section 240.25 of the penal law, aggravated harassment in the second degree as defined in subdivision three or five of section 240.30 of the penal law, aggravated harassment in the first degree as defined in subdivision two of section 240.31 of the penal law, criminal contempt in the first degree as defined in paragraph (ii) or (iv) of subdivision (b) or subdivision (c) of section 215.51 of the penal law, or 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, respectively, or a hate crime as defined in section 485.05 of the penal law who has not been physically injured as a direct result of such crime shall only be eligible for an award that includes loss of earning or support,
the unreimbursed cost of repair or replacement of essential personal
property that has been lost, damaged or destroyed as a direct result of
such crime, the unreimbursed cost for security devices to enhance the
personal protection of such victim, transportation expenses incurred for
necessary court [expenses] appearances in connection with the prose-
cution of such crime, the unreimbursed costs of counseling provided to
such victim on account of mental or emotional stress resulting from the
incident in which the crime occurred, the unreimbursed cost of securing
a crime scene, reasonable relocation expenses, and for occupational or
job training.
§ 2. This act shall take effect on the one hundred eightieth day after
it shall have become law, and apply to all claims filed on or after such
effective date.

PART H

Section 1. Subdivision 5 of section 621 of the executive law, as
amended by chapter 74 of the laws of 2007, is amended to read as
follows:
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 harass-
ment 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, or
(13) sex trafficking as defined in section 230.34 of the penal
law; a vulnerable elderly person or an incompetent or physically disa-
bled 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.

§ 2. Section 621 of the executive law is amended by adding a new
subdivision 24 to read as follows:
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 subdi-
exion 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.

§ 3. Subdivision 2 of section 631 of the executive law, as amended by
chapter 162 of the laws of 2008, 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 thousand dollars of a victim who died 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; 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.

§ 4. Section 631 of the executive law is amended by adding a new subdivision 3-a to read as follows:
3-a. Any award made for loss of savings shall, unless reduced pursuant to other provisions of this article, be in an amount equal to the actual loss sustained.

§ 5. Subdivision 5 of section 631 of the executive law is amended by adding a new paragraph (f) to read as follows:
(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.

§ 6. Section 631 of the executive law is amended by adding a new subdivision 8-a to read as follows:
8-a. Notwithstanding the provisions of subdivision one of this section, a vulnerable elderly person or an incompetent or physically disabled person, as defined in section 260.31 of the penal law, who has not been physically injured as a direct result of a crime, shall be eligible for an award that includes loss of savings.

§ 7. This act shall take effect on the one hundred eightieth day after it shall have become a law, and shall apply to all claims filed on or after such effective date.