

# ***ADVISORY BULLETIN***

**TRANSMITTAL NO. 2019-01**

**TO: ALL FUNDED PROGRAMS  
ADVISORY COUNCIL MEMBERS**

**FROM: ELIZABETH CRONIN, ESQ.  
DIRECTOR**

**SUBJECT: Federal Special Conditions for Case Manager Contracts**

**DATE: April 17, 2019**

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.

A handwritten signature in cursive script, appearing to read "Elizabeth Cronin".

Elizabeth Cronin, Esq.  
Director

12

## PART G

13 Section 1. Subdivisions 11 and 12 of section 631 of the executive law,  
14 subdivision 11 as added by chapter 543 of the laws of 1995 and subdivi-  
15 sion 12 as amended by chapter 188 of the laws of 2014, are amended to  
16 read as follows:

17 11. Notwithstanding the provisions of subdivisions one, two and three  
18 of this section, an individual who was a victim of either the crime of:  
19 menacing in the second degree as defined in subdivision one of section  
20 120.14 of the penal law; menacing in the third degree as defined in  
21 section 120.15 of the penal law; unlawful imprisonment in the first  
22 degree as defined in section 135.10 of the penal law[~~7~~]; kidnapping in  
23 the second degree as defined in section 135.20 of the penal law [~~or~~];  
24 kidnapping in the first degree as defined in section 135.25 of the penal  
25 law; criminal mischief in the fourth degree as defined in subdivision  
26 four of section 145.00 of the penal law; robbery in the third degree as  
27 defined in section 160.05 of the penal law; robbery in the second degree  
28 as defined in subdivision one, paragraph b of subdivision two or subdivi-  
29 vision three of section 160.10 of the penal law; or robbery in the first  
30 degree as defined in subdivisions two, three and four of section 160.15  
31 of the penal law who has not been physically injured as a direct result  
32 of such crime shall only be eligible for an award that includes loss of  
33 earnings [~~or support~~] and the unreimbursed costs of counseling provided  
34 to such victim on account of mental or emotional stress resulting from  
35 the incident in which the crime occurred.

36 12. Notwithstanding the provisions of subdivisions one, two and three  
37 of this section, an individual who was a victim of either the crime of  
38 menacing in the second degree as defined in subdivision two or three of  
39 section 120.14 of the penal law, menacing in the first degree as defined  
40 in section 120.13 of the penal law, criminal obstruction of breathing or  
41 blood circulation as defined in section 121.11 of the penal law, harass-  
42 ment in the second degree as defined in [~~subdivision two or three of~~]  
43 section 240.26 of the penal law, harassment in the first degree as  
44 defined in section 240.25 of the penal law, aggravated harassment in the  
45 second degree as defined in subdivision three or five of section 240.30  
46 of the penal law, aggravated harassment in the first degree as defined  
47 in subdivision two of section 240.31 of the penal law, criminal contempt  
48 in the first degree as defined in [~~paragraph (ii) or (iv) of~~] subdivi-  
49 sion (b) or subdivision (c) of section 215.51 of the penal law, or  
50 stalking in the fourth, third, second or first degree as defined in  
51 sections 120.45, 120.50, 120.55 and 120.60 of the penal law, respective-  
52 ly, or a hate crime as defined in section 485.05 of the penal law who  
53 has not been physically injured as a direct result of such crime shall  
54 only be eligible for an award that includes loss of earning or support,

1 the unreimbursed cost of repair or replacement of essential personal  
2 property that has been lost, damaged or destroyed as a direct result of  
3 such crime, the unreimbursed cost for security devices to enhance the  
4 personal protection of such victim, transportation expenses incurred for  
5 necessary court ~~[expenses]~~ appearances in connection with the prose-  
6 cution of such crime, the unreimbursed costs of counseling provided to  
7 such victim on account of mental or emotional stress resulting from the  
8 incident in which the crime occurred, the unreimbursed cost of securing  
9 a crime scene, reasonable relocation expenses, and for occupational or  
10 job training.

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

14 PART H

15 Section 1. Subdivision 5 of section 621 of the executive law, as  
16 amended by chapter 74 of the laws of 2007, is amended to read as  
17 follows:

18 5. "Victim" shall mean (a) a person who suffers personal physical  
19 injury as a direct result of a crime; (b) a person who is the victim of  
20 either the crime of (1) unlawful imprisonment in the first degree as  
21 defined in section 135.10 of the penal law, (2) kidnapping in the second  
22 degree as defined in section 135.20 of the penal law, (3) kidnapping in  
23 the first degree as defined in section 135.25 of the penal law, (4)  
24 menacing in the first degree as defined in section 120.13 of the penal  
25 law, (5) criminal obstruction of breathing or blood circulation as  
26 defined in section 121.11 of the penal law, (6) harassment in the second  
27 degree as defined in section 240.26 of the penal law, (7) harassment in  
28 the first degree as defined in section 240.25 of the penal law, (8)  
29 aggravated harassment in the second degree as defined in subdivision  
30 three or five of section 240.30 of the penal law, (9) aggravated harass-  
31 ment in the first degree as defined in subdivision two of section 240.31  
32 of the penal law, (10) criminal contempt in the first degree as defined  
33 in subdivision (b) or subdivision (c) of section 215.51 of the penal  
34 law, (11) stalking in the fourth, third, second or first degree as  
35 defined in sections 120.45, 120.50, 120.55 and 120.60 of the penal law,  
36 (12) labor trafficking as defined in section 135.35 of the penal law, or  
37 [~~(5)~~] (13) sex trafficking as defined in section 230.34 of the penal  
38 law; a vulnerable elderly person or an incompetent or physically disa-  
39 bled person as defined in section 260.31 of the penal law who incurs a  
40 loss of savings as defined in subdivision twenty-four of this section;  
41 or a person who has had a frivolous lawsuit filed against them.

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

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

51 § 3. Subdivision 2 of section 631 of the executive law, as amended by  
52 chapter 162 of the laws of 2008, is amended to read as follows:

53 2. Any award made pursuant to this article shall be in an amount not  
54 exceeding out-of-pocket expenses, including indebtedness reasonably

1 incurred for medical or other services necessary as a result of the  
2 injury upon which the claim is based; loss of earnings or support  
3 resulting from such injury not to exceed thirty thousand dollars; loss  
4 of savings not to exceed thirty thousand dollars; burial expenses not  
5 exceeding six thousand dollars of a victim who died as a direct result  
6 of a crime; the costs of crime scene cleanup and securing of a crime  
7 scene not exceeding twenty-five hundred dollars; reasonable relocation  
8 expenses not exceeding twenty-five hundred dollars; and the unreimbursed  
9 cost of repair or replacement of articles of essential personal property  
10 lost, damaged or destroyed as a direct result of the crime. An award for  
11 loss of earnings shall include earnings lost by a parent or guardian as  
12 a result of the hospitalization of a child victim under age eighteen for  
13 injuries sustained as a direct result of a crime. In addition to the  
14 medical or other services necessary as a result of the injury upon which  
15 the claim is based, an award may be made for rehabilitative occupational  
16 training for the purpose of job retraining or similar employment-orient-  
17 ed rehabilitative services based upon the claimant's medical and employ-  
18 ment history. For the purpose of this subdivision, rehabilitative occu-  
19 pational training shall include but not be limited to educational  
20 training and expenses. An award for rehabilitative occupational training  
21 may be made to a victim, or to a family member of a victim where neces-  
22 sary as a direct result of a crime.

23 § 4. Section 631 of the executive law is amended by adding a new  
24 subdivision 3-a to read as follows:

25 3-a. Any award made for loss of savings shall, unless reduced pursuant  
26 to other provisions of this article, be in an amount equal to the actual  
27 loss sustained.

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

30 (f) Notwithstanding the provisions of paragraph (a) of this subdivi-  
31 sion, the office shall disregard for this purpose the responsibility of  
32 the victim for his or her own loss of savings.

33 § 6. Section 631 of the executive law is amended by adding a new  
34 subdivision 8-a to read as follows:

35 8-a. Notwithstanding the provisions of subdivision one of this  
36 section, a vulnerable elderly person or an incompetent or physically  
37 disabled person, as defined in section 260.31 of the penal law, who has  
38 not been physically injured as a direct result of a crime, shall be  
39 eligible for an award that includes loss of savings.

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