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OFFICE OF VICTIM SERVICES

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

**FROM: JOHN WATSON, ESQ.
ACTING DIRECTOR**

SUBJECT: Legislative Update

DATE: August 12, 2013

Please note these important changes to eligibility for crime scene clean-up expenses and the definition of relocation expenses.

As a result of recent changes enacted by Chapter 119 of the Laws of 2013, OVS is announcing changes to provisions of our statute relating to eligibility for compensation in cases involving crime scene clean-up. This is an expansion of the previous benefit and now includes certain family members of crime victims. Executive Law §624 (1) makes a surviving spouse, child or stepchild of a homicide victim eligible for an award for crime scene clean-up, when he or she shared a residence with the victim.

Subdivision eighteen was added to Executive Law §631 to authorize an award for crime scene clean-up to those family members of a homicide victim made eligible in §624 (1). While eligibility has been expanded to include multiple family members, it is important to know that only one, capped award for crime scene clean-up is permitted per residence. It is also important to know that:

- All expenses for crime scene clean-up must be submitted together under the name of one family member who is eligible to claim crime scene clean-up.
- If more than one eligible application is filed for crime scene clean-up then the office will address all requests for crime scene clean-up expenses under the first eligible claim accepted by the office.
- A claimant filing on behalf of a minor child or stepchild of a deceased crime victim must also be responsible for the residence shared by such family member and the victim.

This expanded benefit is available to all claimants that have not had an original decision rendered by OVS as of August 11, 2013.

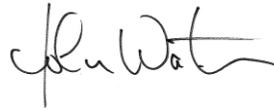
No action is required by VAPs or claimants as a result of this change. OVS will make appropriate awards as a course of our normal investigative process. This change in eligibility will not be grounds to re-open or modify a previously rendered decision.

Other changes enacted by Chapter 261 of the Laws of 2013 modified the definition of relocation expenses found in Executive Law §621 (23). The new definition allows for reasonable costs of moving and transporting the victim's spouse and dependents with whom he or she resides. For a child victim, the award would include the expenses of the child-victim's parent, stepparent or guardian, as well as other persons who are dependent upon the parent, stepparent or guardian who also reside in the household. This is a change from current awards that can provide only a pro rata share of the costs of relocating the victim. While this definition has been expanded to include others, besides the victim, it is important to know that only one, capped award for relocation expenses is permitted per victim.

This expanded benefit is available to all claimants that have not had an original decision rendered by OVS as of August 30, 2013

No action is required by VAPs or claimants as a result of this change. OVS will make appropriate awards as a course of our normal investigative process. This change in the definition of relocation expenses will not be grounds to re-open or modify a previously rendered decision.

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 black ink, appearing to read "John Watson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John Watson, Esq.
Acting Director