



No. 113.30

EXECUTIVE ORDER

SUSPENSION OF PROVISIONS RELATING TO CRIME VICTIM AWARDS FOR PERSONS DEPENDENT UPON VICTIMS OF THE WORLD TRADE CENTER ATTACK AND REDEFINING THE TERM PRINCIPAL SUPPORT FOR PERSONS DEPENDENT UPON VICTIMS WHO DIE AS A RESULT OF A CRIME

WHEREAS, on September 11, 2001, I issued Executive Order Number 113 declaring a disaster emergency in the State of New York;

NOW, THEREFORE, I, GEORGE E. PATAKI, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby continue Executive Order No. 113, dated September 11, 2001, except that such Executive Order is amended to provide as follows:

I. SUSPENSION OF PROVISIONS RELATING TO CRIME VICTIMS AWARDS FOR PERSONS DEPENDENT UPON VICTIMS OF THE WORLD TRADE CENTER ATTACK

FURTHER, pursuant to the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend specific provisions of any statute, local law, ordinance, order, rule or regulation, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, I hereby temporarily suspend, from the date of this Executive Order until further notice, the following law:

Section 624, paragraph (c) of subdivision 1, so far as it requires a person dependent for his or her support upon a victim who dies as a direct result of the World Trade Center to show that he or she was dependent for his or her principal support upon such a victim; provided, however, that such dependent person shall be eligible for awards upon a showing of unilateral dependence or mutual interdependence upon such a victim, which may be evidenced by a nexus of factors, including but not limited to common ownership of property, common householding, shared budgeting and the length of the relationship between such person and the victim.

II. REDEFINING THE TERM PRINCIPAL SUPPORT FOR PERSONS DEPENDENT UPON VICTIMS WHO DIE AS A DIRECT RESULT OF A CRIME

WHEREAS, Executive Law section 624, paragraph (c) of subdivision 1, requires certain persons to prove dependence upon a victim for principal support in order to obtain an award for lost earnings or support from the Crime Victims Board (the "Board");

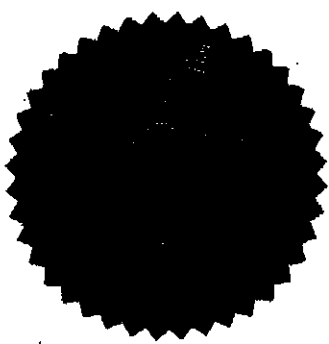
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WHEREAS, the term "principal support" in such provision has been interpreted by the Board to require a person seeking an award to establish that at least seventy-five percent of the person's support was provided by the victim of a crime who died as a direct result of such crime; and,

WHEREAS, this seventy-five percent requirement has produced unjust results;

NOW THEREFORE, I, GEORGE E. PATAKI, direct the Board to amend its definition of the term "principal support" so that a person dependent upon a victim who dies as a direct result of a crime shall be eligible to receive awards for lost earnings or support if at least fifty percent of such person's support was provided by such victim.



G I V E N under my hand and the
Privy Seal of the State
in the City of Albany
this tenth day of October
in the year two thousand
one.

BY THE GOVERNOR

/s/ George E. Pataki

/s/ Bradford J. Race, Jr.

Secretary to the Governor