

8117

I N   S E N A T E

June 13, 2016

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Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, in relation to the processing and maintenance of sexual offense evidence kits

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The executive law is amended by adding a new section 838-a  
2     to read as follows:

3     S 838-A. MAINTENANCE OF SEXUAL OFFENSE EVIDENCE KITS. 1. THE FOLLOWING  
4     REQUIREMENTS SHALL APPLY TO ALL SEXUAL OFFENSE EVIDENCE KITS SURRENDERED  
5     TO OR COLLECTED BY, AT THE REQUEST OF, OR WITH COOPERATION OF AN AGENCY  
6     ENGAGED IN A LAW ENFORCEMENT FUNCTION IN THE STATE:

7     (A) EACH SUCH AGENCY ENGAGED IN A LAW ENFORCEMENT FUNCTION IN THE  
8     STATE SHALL SUBMIT ANY SEXUAL OFFENSE EVIDENCE KITS IN ITS CUSTODY OR  
9     CONTROL TO AN APPROPRIATE FORENSIC LABORATORY WITHIN TEN DAYS OF  
10    RECEIPT.

11    (B) EACH FORENSIC LABORATORY RECEIVING SEXUAL OFFENSE EVIDENCE KITS  
12    AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL DEVELOP COMBINED DNA  
13    INDEX SYSTEM (CODIS) ELIGIBLE PROFILES OF ANY POTENTIAL PERPETRATORS  
14    FROM THE EVIDENCE TESTED AND, WITHIN NINETY DAYS AFTER RECEIPT OF SUCH  
15    KIT, REPORT THE RESULTS TO THE SUBMITTING AGENCY AND APPROPRIATE PROSE-  
16    CUTORIAL ENTITY.

17    (C) EACH AGENCY ENGAGED IN A LAW ENFORCEMENT FUNCTION IN THE STATE  
18    THAT, PRIOR TO THE EFFECTIVE DATE OF THIS SECTION, HAS ONE OR MORE SEXU-  
19    AL OFFENSE EVIDENCE KITS IN ITS CUSTODY OR CONTROL SHALL, WITHIN ONE  
20    HUNDRED EIGHTY DAYS AFTER SUCH EFFECTIVE DATE, SUBMIT ALL UNTESTED KITS  
21    IN ITS POSSESSION OR CONTROL TO AN APPROPRIATE FORENSIC LABORATORY.

22    (D) EACH FORENSIC LABORATORY, WITHIN ONE HUNDRED AND TWENTY DAYS AFTER  
23    RECEIVING EACH SEXUAL OFFENSE EVIDENCE KIT PURSUANT TO PARAGRAPH (C) OF  
24    THIS SUBDIVISION SHALL DEVELOP FROM EVIDENCE SUBMITTED COMBINED DNA  
25    INDEX SYSTEM (CODIS) ELIGIBLE PROFILES FOR ANY POTENTIAL PERPETRATORS  
26    AND SHALL, WITHIN NINETY DAYS OF DEVELOPING SUCH PROFILES, REPORT THE  
27    RESULTS TO THE SUBMITTING AGENCY AND THE APPROPRIATE PROSECUTORIAL ENTI-  
28    TY.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1       2. (A) EACH FORENSIC LABORATORY IN THE STATE SHALL REPORT TO THE DIVI-  
2       SION, ON A QUARTERLY BASIS, IN WRITING, ON (I) THE NUMBER OF SEXUAL  
3       OFFENSE EVIDENCE KITS IT RECEIVED, (II) THE NUMBER OF SUCH KITS PROC-  
4       ESSED FOR THE PURPOSE OF DEVELOPING COMBINED DNA INDEX SYSTEM (CODIS)  
5       ELIGIBLE PROFILES OF ANY POTENTIAL PERPETRATORS, AND (III) THE NUMBER OF  
6       KITS NOT PROCESSED FOR TESTING. (B) EACH AGENCY INVOLVED IN A LAW  
7       ENFORCEMENT FUNCTION IN THE STATE SHALL REPORT TO THE DIVISION ON A  
8       QUARTERLY BASIS, IN WRITING, ON (I) THE NUMBER OF ALL THE SEXUAL OFFENSE  
9       EVIDENCE KITS IT RECEIVED, (II) THE NUMBER OF SUCH KITS IT SUBMITTED TO  
10      A FORENSIC LABORATORY FOR PROCESSING, (III) THE NUMBER OF KITS IN ITS  
11      CUSTODY OR CONTROL THAT HAVE NOT BEEN PROCESSED FOR TESTING, AND (IV)  
12      THE LENGTH OF TIME BETWEEN RECEIPT OF ANY SUCH SEXUAL OFFENSE EVIDENCE  
13      KIT AND THE SUBMISSION OF ANY SUCH KIT TO THE FORENSIC LABORATORY.

14      3. THE DIVISION SHALL UNDERTAKE ACTIONS DESIGNED TO ENSURE THAT ALL  
15      AGENCIES ENGAGED IN A LAW ENFORCEMENT FUNCTION IN THE STATE AND ALL  
16      FORENSIC LABORATORIES ARE EDUCATED AND AWARE OF THE PROVISIONS OF THIS  
17      SECTION.

18      S 2. This act shall take effect on the ninetieth day after it shall  
19      have become a law; provided, however, that paragraphs (c) and (d) of  
20      subdivision 1 of section 838-a of the executive law as added by section  
21      one of this act, shall take effect immediately.