

STATE OF NEW YORK

8765

IN SENATE

January 8, 2026

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

AN ACT to amend the public health law, in relation to collecting and reporting sexual offense evidence on the statewide electronic tracking system; and to amend a chapter of the laws of 2025 amending the public health law relating to collecting and reporting sexual offense evidence on the statewide electronic tracking system, as proposed in legislative bills numbers S. 5225-A and A. 1970-A, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (j) of subdivision 2 of section 2805-i of the
2 public health law, as amended by a chapter of the laws of 2025 amending
3 the public health law relating to collecting and reporting sexual
4 offense evidence on the statewide electronic tracking system, as
5 proposed in legislative bills numbers S. 5225-A and A. 1970-A, is
6 amended to read as follows:
7 (j) Notwithstanding any other provision in this section, sexual
8 offense evidence shall not continue to be stored where: (i) such
9 evidence is not privileged and law enforcement requests its release, in
10 which case the custodian or custodians shall comply with such request;
11 or (ii) such evidence is privileged and either (A) the alleged sexual
12 offense victim gives permission to release the evidence to law enforce-
13 ment, upon which the hospital collecting such evidence must record the
14 collection of such evidence in the electronic tracking system and notify
15 the appropriate law enforcement agency within forty-eight hours and law
16 enforcement must retrieve the evidence within [~~seven~~ ten] days of such
17 [~~permission~~ notice] and report such evidence in the statewide electronic
18 tracking system pursuant to subdivision eight of this section, or (B)
19 the alleged sexual offense victim signs a statement directing the custo-
20 dian or custodians to dispose of the evidence, in which case the sexual
21 offense evidence will be discarded in compliance with state and local
22 health codes.

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

LBD04793-04-6

1 § 2. Subdivision 8 of section 2805-i of the public health law, as
2 amended by a chapter of the laws of 2025 amending the public health law
3 relating to collecting and reporting sexual offense evidence on the
4 statewide electronic tracking system, as proposed in legislative bills
5 numbers S. 5225-A and A. 1970-A, is amended to read as follows:

6 8. (a) The division of criminal justice services in consultation with
7 the department, the office of victim services, the division of state
8 police, and the New York State Coalition Against Sexual Assault shall
9 develop a statewide electronic tracking system for reported evidence
10 collection kits used to collect and preserve evidence of a sexual
11 assault or other sex offense. Such statewide electronic tracking system
12 shall not include unreported evidence collection kits, provided, howev-
13 er, that any unreported evidence collection kits released by the office
14 of victim services to law enforcement pursuant to clause (A) of subpara-
15 graph (ii) of paragraph [j] (j) of subdivision two of this section shall
16 then be designated as reported evidence collection kits subject to the
17 tracking requirements set forth in this subdivision.

18 (b) The division of criminal justice services shall promulgate rules
19 and guidelines to ensure that sexual [assault] offense evidence
20 collection kits are trackable on a statewide electronic tracking system
21 developed pursuant to this subdivision, and that survivors are given
22 notice of how they may track their own reported evidence collection kit.

23 ~~[Such rules and guidelines shall require that (i) hospitals collecting~~
24 ~~evidence collection kits record the collection of any reported evidence~~
25 ~~collection kits in the electronic tracking system and notify the appro-~~
26 ~~priate law enforcement agency within forty eight hours of such~~
27 ~~collection, and (ii) law enforcement retrieve any reported evidence~~
28 ~~collection kit from a hospital within seven days of being notified by a~~
29 ~~hospital that a reported evidence collection kit has been collected.]~~

30 Any [hospital,] law enforcement agency, forensic laboratory, or prosecu-
31 tor that has taken custody of an evidence collection kit used for a
32 forensic medical examination shall comply with the established proto-
33 cols, rules and guidelines established by the division of criminal
34 justice services pursuant to this paragraph.

35 (c) The statewide electronic tracking system shall:

36 (1) Track the location and status of each reported evidence collection
37 kit from collection to final disposition;

38 (2) Allow a hospital, law enforcement agency, accredited crime labora-
39 tory, prosecutor, employees of the long-term sexual offense evidence
40 storage facility, or any other entity providing a chain of custody for a
41 reported evidence collection kit, to update and track the status and
42 location of the reported evidence collection kits; and

43 (3) Allow a survivor to anonymously track or receive updates regarding
44 the status and location of such survivor's reported evidence collection
45 kit.

46 (d) No later than January first, two thousand twenty-five, any hospi-
47 tal, law enforcement agency, accredited crime laboratory, prosecutor,
48 employee of the long-term sexual offense evidence storage facility, or
49 any other entity providing a chain of custody for a reported evidence
50 collection kit to update and track the status and location of such kit,
51 shall participate in the tracking system and comply with all established
52 protocols, rules and guidelines. A participating entity shall be permit-
53 ted to access the entity's tracking information through the statewide
54 electronic tracking system.

55 (e) Records entered into the tracking system are confidential. Records
56 relating to a reported evidence collection kit shall be accessed only by

1 the survivor for whom the reported evidence collection kit was
2 completed.

3 (f) The provisions of this subdivision shall apply to all reported
4 evidence collection kits submitted prior to, on, or after the effective
5 date of this subdivision.

6 (g) For purposes of this section:

7 (1) "evidence collection kit" shall mean a human biological specimen
8 or specimens collected by a healthcare provider during a forensic
9 medical examination from the victim of a sexual assault or other sex
10 offense;

11 (2) "survivor" shall mean an individual who is the victim of a sexual
12 offense from whom a human biological specimen or specimens were
13 collected by a healthcare provider during a forensic medical examina-
14 tion;

15 (3) "reported evidence collection kit" means a sexual [~~assault~~]
16 offense evidence kit in which the survivor has consented to evidence
17 collection and reporting the sexual assault or other sex offense to law
18 enforcement; and

19 (4) "unreported evidence collection kit" means a sexual offense
20 evidence collection [~~kits controlled by the office of victims services~~
21 ~~pursuant to paragraph (d) of subdivision two of this section]~~ kit for
22 which the survivor has not consented to or withdraws their consent to
23 release to law enforcement.

24 § 3. Paragraph (d) of subdivision 2 of section 2805-i of the public
25 health law, as amended by section 1 of part II of chapter 56 of the laws
26 of 2021, is amended to read as follows:

27 (d) Until September thirtieth, two thousand twenty-two, or earlier if
28 determined feasible by the director of budget, hospitals shall be
29 responsible for securing long-term sexual offense evidence pursuant to
30 this section, after which such storage shall be the responsibility of
31 the office of victim services, provided, however, that law enforcement
32 shall transfer sexual offense evidence that is reported to law enforce-
33 ment but for which consent is later withdrawn to the office of victim
34 services for long-term storage. Storage of reported kits transferred to
35 the office of victim services or retained by law enforcement shall
36 comport with the provisions of this subdivision. Hospitals may enter
37 into contracts with other entities that will ensure appropriate and
38 secure long-term storage of sexual offense evidence pursuant to this
39 section until September thirtieth, two thousand twenty-two.

40 § 4. Section 3 of a chapter of the laws of 2025 amending the public
41 health law relating to collecting and reporting sexual offense evidence
42 on the statewide electronic tracking system, as proposed in legislative
43 bills numbers S. 5225-A and A. 1970-A, is amended to read as follows:

44 § 3. This act shall take effect [~~immediately~~] six months after it
45 shall have become a law. Effective immediately, the addition, amendment
46 and/or repeal of any rule or regulation necessary for the implementation
47 of this act on its effective date are authorized to be made and
48 completed on or before three months of such effective date.

49 § 5. This act shall take effect immediately; provided, however, that
50 sections one, two and three of this act shall take effect on the same
51 date and in the same manner as a chapter of the laws of 2025 amending
52 the public health law relating to collecting and reporting sexual
53 offense evidence on the statewide electronic tracking system, as
54 proposed in legislative bills numbers S. 5225-A and A. 1970-A, takes
55 effect.