

STATE OF NEW YORK

9928

IN SENATE

April 16, 2026

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the executive law, in relation to the rights of sexual assault survivors during the investigative process and establishing a task force to study and assess sexual assault survivors' rights and services

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

Section 1. Section 642 of the executive law, as added by chapter 94 of the laws of 1984, subdivision 1 as amended by chapter 193 of the laws of 2006, subdivision 2-a as amended by chapter 301 by the laws of the 1991, paragraph (a) of subdivision 2-a as amended by chapter 320 of the laws of 2006, subdivision 3 as amended by chapter 893 of the laws of 1986, subdivision 5 as amended by chapter 263 of the laws of 1986 and subdivision 6 as added by chapter 468 of the laws of 2025, is amended to read as follows:

§ 642. Criteria for fair treatment standards. Such fair treatment standards shall provide that:

1. The victim of a violent felony offense, a felony involving physical injury to the victim, a felony involving property loss or damage in excess of two hundred fifty dollars, a felony involving attempted or threatened physical injury or property loss or damage in excess of two hundred fifty dollars or a felony involving larceny against the person shall, unless ~~[he or she]~~ the victim refuses or is unable to cooperate or ~~[his or her]~~ the victim's whereabouts are unknown, be consulted by the district attorney in order to obtain the views of the victim regarding disposition of the criminal case by dismissal, plea of guilty or trial. In such a case in which the victim is a minor child, or in the case of a homicide, the district attorney shall, unless the family refuses or is unable to cooperate or ~~[his, her or their]~~ the victim's whereabouts are unknown, consult for such purpose with the family of the victim. In addition, the district attorney shall, unless ~~[he or she]~~ the victim's (or, in the case in which the victim is a minor child or a

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

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1 victim of homicide, [~~his or her~~] the victim's family) refuses or is
2 unable to cooperate or [~~his, her or their~~] the victim's whereabouts are
3 unknown, consult and obtain the views of the victim or family of the
4 victim, as appropriate, concerning the release of the defendant in the
5 victim's case pending judicial proceedings upon an indictment, and
6 concerning the availability of sentencing alternatives such as community
7 supervision and restitution from the defendant. The failure of the
8 district attorney to so obtain the views of the victim or family of the
9 victim shall not be cause for delaying the proceedings against the
10 defendant nor shall it affect the validity of a conviction, judgment or
11 order.

12 2. The victims and other prosecution witnesses shall, where possible,
13 be provided, when awaiting court appearances, a secure waiting area that
14 is separate from all other witnesses.

15 [~~2-a. (a)~~] 3. For the purposes of this section, a "sexual assault
16 survivor" or "survivor" shall mean the victim of a crime under article
17 one hundred thirty or section 255.25, 255.26 or 255.27 of the penal law.

18 4. All police departments, as that term is defined in subdivision a of
19 section eight hundred thirty-seven-c of this chapter, district attor-
20 neys' offices and presentment agencies, as that term is defined in
21 subdivision twelve of section 301.2 of the family court act, shall
22 provide a private setting for interviewing [~~victims of a crime defined~~
23 ~~in article one hundred thirty or section 255.25, 255.26 or 255.27 of the~~
24 ~~penal law~~] sexual assault survivors. For purposes of this subdivision,
25 "private setting" shall mean an enclosed room from which the occupants
26 are not visible or otherwise identifiable, and whose conversations
27 cannot be heard, from outside such room. Only (i) those persons directly
28 and immediately related to the interviewing of a particular victim, (ii)
29 [~~the victim~~] legal counsel retained by the victim, (iii) a support
30 person of the victim's choosing, (iv) a social worker, rape crisis coun-
31 selor, psychologist or other professional providing emotional support to
32 the victim, unless the victim objects to the presence of such person and
33 requests the exclusion of such person from the interview or interviews,
34 and [~~(iv)~~] (v) where appropriate, the parent or parents of the victim,
35 if requested by the victim, shall be present during the interview or
36 interviews of the victim.

37 [~~(b)~~] 5. A sexual assault survivor shall have the right to be inter-
38 viewed by a law enforcement official of the gender of the survivor's
39 choosing. If no law enforcement official of that gender is reasonably
40 available, the survivor may be interviewed by an available law enforce-
41 ment official only upon the survivor's consent. Before commencing an
42 interview of a sexual assault survivor, a law enforcement official shall
43 inform the survivor of such right.

44 6. All police departments, as that term is defined in subdivision a of
45 section eight hundred thirty-seven-c of this chapter, shall provide
46 [~~victims of a crime defined in article one hundred thirty of the penal~~
47 ~~law~~] sexual assault survivors with the name, address, and telephone of
48 the nearest rape crisis center in writing.

49 [~~3-~~] 7. Law enforcement agencies and district attorneys shall promptly
50 return property held for evidentiary purposes unless there is a compel-
51 ling reason for retaining it relating to proof at trial.

52 [~~4-~~] 8. The victim or witness who so requests shall be assisted by law
53 enforcement agencies and district attorneys in informing employers that
54 the need for victim and witness cooperation in the prosecution of the
55 case may necessitate absence of that victim or witness from work. In
56 addition, a victim or witness who, as a direct result of a crime or of

1 cooperation with law enforcement agencies or the district attorney in
2 the investigation or prosecution of a crime is unable to meet obli-
3 gations to a creditor, creditors or others should be assisted by such
4 agencies or the district attorney in providing to such creditor, credi-
5 tors or others accurate information about the circumstances of the
6 crime, including the nature of any loss or injury suffered by the
7 victim, or about the victim's or witness' cooperation, where appropri-
8 ate.

9 ~~[5-]~~ 9. Victim assistance education and training, with special consid-
10 eration to be given to victims of domestic violence, sex offense
11 victims, elderly victims, child victims, and the families of homicide
12 victims, shall be given to persons taking courses at state law enforce-
13 ment training facilities and by district attorneys so that victims may
14 be promptly, properly and completely assisted.

15 ~~[6-]~~ 10. A victim of an assault may choose to make their statement at
16 their workplace provided such workplace was the scene of the assault and
17 is a hospital, emergency medical facility, nursing home, or residential
18 health care facility as defined in section twenty-eight hundred one of
19 the public health law, or is a facility or hospital as defined in
20 section 1.03 of the mental hygiene law. Law enforcement officers shall
21 inform the victim of their right to have their statement be taken at
22 such workplace when officers have reason to believe the victim was
23 assaulted pursuant to section 120.05 of the penal law.

24 § 2. The executive law is amended by adding a new section 637 to read
25 as follows:

26 § 637. Sexual assault survivors task force. 1. A sexual assault survi-
27 vors task force is hereby established to study, evaluate and determine
28 the rights of sexual assault victims and the services available to them.

29 2. The task force shall include no more than fifteen members, selected
30 and staffed, unless otherwise indicated, by the office and shall consist
31 of:

- 32 (a) the director or the director's designee;
33 (b) a survivor of sexual assault who is a resident of New York state;
34 (c) a representative of rape crisis centers;
35 (d) a representative of the state department of education, whose occu-
36 pational duties include the provision of direct services to victims of
37 sexual assault;
38 (e) a representative of an organization that provides services, educa-
39 tion, or outreach to communities of color or immigrant communities;
40 (f) a representative of an organization that provides services, educa-
41 tion, or outreach to lesbian, gay, bisexual, and transgender individ-
42 uals; and
43 (g) other individuals or representatives selected by the office.

44 3. The task force shall:

- 45 (a) recommend methods to develop and implement an effective mechanism
46 for submitting, tracking and investigating complaints regarding the
47 handling of, or response to, a sexual assault report or investigation by
48 any agency or organization involved in the response;
49 (b) determine the need for additional services across New York state
50 for survivors of sexual assault, and if such a need does exist, the task
51 force shall create a plan for how the state can provide additional sexu-
52 al assault services to meet the needs identified, and determine the cost
53 of funding such a plan; and
54 (c) examine the need to maintain the task force after the final report
55 is issued.

1 4. The members of the task force shall receive no compensation for
2 their services, but shall be allowed their actual and necessary expenses
3 incurred in the performance of their services.

4 5. The task force shall collect data regarding access to sexual
5 assault survivor services, access to support during the investigative
6 process by law enforcement for those that report a sexual assault, and
7 any other data important for its deliberations and recommendations. The
8 task force shall collect feedback from survivors of sexual assault,
9 stakeholders, practitioners, leadership throughout the state, victim
10 services providers and health care communities to inform development of
11 future best practices or clinical guidelines regarding the care and
12 treatment of survivors.

13 6. No later than eighteen months after the effective date of this
14 section, the task force shall provide a report containing the results of
15 the study, including assessments, developments, and recommendations, to
16 the governor, attorney general, temporary president of the senate, the
17 minority leader of the senate, the speaker of the assembly, and the
18 minority leader of the assembly. The task force shall also make the
19 report public by posting a copy on the website of the office.

20 7. The task force shall be reconvened on an ongoing basis every five
21 years in perpetuity, or until it is determined that the provisions of
22 this section have been effectively implemented to ensure the rights of
23 all survivors in New York state.

24 § 3. This act shall take effect immediately.