S T A T E O F N E W Y O R K

4895

2011-2012 Regular Sessions

I N S E N A T E

April 28, 2011

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

AN ACT to amend the executive law, in relation to directing the municipal police training council to establish policies and procedures for the investigation of sex offenses and intervention by police officers into the commission of such offenses; and to amend the judiciary law, in relation to providing training for judges and justices on crimes involving sexual assault

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

Section 1. Section 840 of the executive law is amended by adding a new subdivision 4 to read as follows:

4. THE COUNCIL SHALL, IN ADDITION:

(A) DEVELOP, MAINTAIN AND DISSEMINATE, IN CONSULTATION WITH RAPE CRISIS CENTERS EXPERIENCED IN ASSISTING VICTIMS IN THIS STATE, WRITTEN POLICIES AND PROCEDURES CONSISTENT WITH APPLICABLE PROVISIONS OF THE FAMILY COURT ACT, DOMESTIC RELATIONS LAW, CRIMINAL PROCEDURE LAW AND THE PENAL LAW, REGARDING THE INVESTIGATION OF AND INTERVENTION BY NEW AND VETERAN POLICE OFFICERS IN CRIMES INVOLVING SEXUAL ASSAULT. SUCH POLICIES AND PROCEDURES SHALL MAKE PROVISIONS FOR EDUCATION AND TRAINING OF NEW AND VETERAN POLICE OFFICERS IN THE INVESTIGATION AND ENFORCEMENT OF CRIMES INVOLVING SEXUAL ASSAULT UNDER STATE LAW, INCLUDING BUT NOT LIMITED TO:

(1) TECHNIQUES FOR INTERVIEWING SEXUAL ASSAULT VICTIMS,

(2) FAIR TREATMENT STANDARDS FOR CRIME VICTIMS PURSUANT TO ARTICLE TWENTY-THREE OF THIS CHAPTER,

(3) EVIDENCE GATHERING AND EVIDENCE PRESERVATION, AND

(4) DISSEMINATION OF INFORMATION CONCERNING AVAILABILITY OF LOCAL SERVICES FOR THE VICTIMS OF SUCH CRIMES; AND

(B) RECOMMEND TO THE GOVERNOR, RULES AND REGULATIONS WITH RESPECT TO ESTABLISHMENT AND IMPLEMENTATION ON AN ONGOING BASIS OF A TRAINING

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

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PROGRAM FOR ALL CURRENT AND NEW POLICE OFFICERS REGARDING THE POLICIES AND PROCEDURES ESTABLISHED PURSUANT TO THIS SUBDIVISION, ALONG WITH RECOMMENDATIONS FOR PERIODIC RETRAINING OF POLICE OFFICERS.

S 2. The judiciary law is amended by adding a new section 219-c to read as follows:

S 219-C. CRIMES INVOLVING SEXUAL ASSAULT; JUDICIAL TRAINING. THE OFFICE OF COURT ADMINISTRATION SHALL PROVIDE TRAINING FOR JUDGES AND JUSTICES WITH RESPECT TO CRIMES INVOLVING SEXUAL ASSAULT.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.