

7229

I N S E N A T E

April 8, 2016

Introduced by Sen. SANDERS -- 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 reports on untested sexual offense evidence collection 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 837-s
2 to read as follows:
3 S 837-S. UNTESTED SEXUAL OFFENSE EVIDENCE COLLECTION KIT REPORTS. 1.
4 AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING
5 MEANINGS:
6 (A) "FORENSIC MEDICAL EXAMINATION" SHALL MEAN AN EXAMINATION PROVIDED
7 TO THE VICTIM OF A SEXUAL OFFENSE BY A HEALTH CARE PROVIDER FOR THE
8 PURPOSE OF GATHERING AND PRESERVING EVIDENCE OF A SEXUAL OFFENSE FOR USE
9 IN A COURT OF LAW;
10 (B) "SEXUAL OFFENSE EVIDENCE COLLECTION KIT" SHALL MEAN A HUMAN
11 BIOLOGICAL SPECIMEN OR SPECIMENS COLLECTED BY A HEALTH CARE PROVIDER
12 DURING A FORENSIC MEDICAL EXAMINATION FROM THE VICTIM OF A SEXUAL
13 OFFENSE; AND
14 (C) "UNTESTED SEXUAL OFFENSE EVIDENCE COLLECTION KIT" SHALL MEAN A
15 SEXUAL OFFENSE EVIDENCE COLLECTION KIT THAT HAS NOT BEEN SUBMITTED TO
16 THE NEW YORK STATE POLICE LABORATORY OR A SIMILAR QUALIFIED LABORATORY
17 FOR EITHER A SEROLOGY OR DEOXYRIBONUCLEIC ACID (DNA) TEST.
18 2. BY JULY FIRST, TWO THOUSAND SIXTEEN, AND EVERY FIRST OF JULY THERE-
19 AFTER, ALL LAW ENFORCEMENT AGENCIES RESPONSIBLE FOR THE TAKING AND PROC-
20 ESSING OF SEXUAL OFFENSE EVIDENCE COLLECTION KITS SHALL CONDUCT AN
21 INVENTORY OF ALL SUCH KITS BEING STORED BY THE AGENCY AND REPORT ALL OF
22 THE FOLLOWING TO THE DIVISION:
23 (A) THE NUMBER OF SEXUAL OFFENSE EVIDENCE COLLECTION KITS THE LAW
24 ENFORCEMENT AGENCY COLLECTS;
25 (B) THE NUMBER OF SEXUAL OFFENSE EVIDENCE COLLECTION KITS THAT ARE
26 TESTED; AND
27 (C) THE NUMBER OF UNTESTED SEXUAL OFFENSE EVIDENCE COLLECTION KITS AND
28 THE REASON SUCH KITS REMAIN UNTESTED.

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

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1 3. BY THE FIRST OF JANUARY, TWO THOUSAND SEVENTEEN, AND EVERY FIRST OF
2 JANUARY THEREAFTER, THE DIVISION SHALL PREPARE AND TRANSMIT A REPORT TO
3 THE APPROPRIATE POLICY COMMITTEES OF THE LEGISLATURE SUMMARIZING THE
4 INFORMATION THE DIVISION RECEIVES PURSUANT TO SUBDIVISION TWO OF THIS
5 SECTION.
6 S 2. This act shall take effect immediately.