

10067--A

I N A S S E M B L Y

May 10, 2016

Introduced by M. of A. SIMOTAS -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 RESULTS TO THE SUBMITTING AGENCY AND THE APPROPRIATE PROSECUTORIAL ENTI-
2 TY.

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

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

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