

6619

2015-2016 Regular Sessions

I N A S S E M B L Y

March 27, 2015

Introduced by M. of A. PALMESANO -- read once and referred to the
Committee on Codes

AN ACT to amend the executive law, in relation to untested sexual
offense evidence kit collection reports

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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 KIT COLLECTION REPORT. 1.
4 AS USED IN THIS SECTION, THE FOLLOWING TERMS HAVE THE FOLLOWING MEAN-
5 INGS:
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 THE FIRST OF NOVEMBER, TWO THOUSAND FIFTEEN, AND EVERY FIRST OF
19 NOVEMBER THEREAFTER, ALL LAW ENFORCEMENT AGENCIES AND DEPARTMENTS
20 CHARGED WITH THE MAINTENANCE, STORAGE AND PRESERVATION OF SEXUAL OFFENSE
21 EVIDENCE COLLECTION KITS SHALL CONDUCT AN INVENTORY OF ALL SUCH KITS
22 BEING STORED BY THE AGENCY OR DEPARTMENT.
23 3. BY THE FIRST OF NOVEMBER, TWO THOUSAND FIFTEEN, AND EVERY FIRST OF
24 NOVEMBER THEREAFTER, EACH LAW ENFORCEMENT AGENCY SHALL COMPILE, IN WRIT-
25 ING, A REPORT CONTAINING THE NUMBER OF UNTESTED SEXUAL OFFENSE EVIDENCE

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

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1 COLLECTION KITS IN THE POSSESSION OF THE AGENCY OR DEPARTMENT AND THE
2 DATE THE SEXUAL OFFENSE EVIDENCE KIT WAS COLLECTED. THE REPORT SHALL BE
3 TRANSMITTED TO THE DIVISION.
4 4. BY THE FIRST OF JANUARY, TWO THOUSAND SIXTEEN, AND EVERY FIRST OF
5 JANUARY THEREAFTER, THE DIVISION SHALL PREPARE AND TRANSMIT A REPORT TO
6 THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF
7 THE ASSEMBLY CONTAINING THE NUMBER OF UNTESTED SEXUAL OFFENSE EVIDENCE
8 COLLECTIONS KITS BEING STORED BY EACH COUNTY, BY EACH LAW ENFORCEMENT
9 AGENCY OR DEPARTMENT, AND THE DATE THE UNTESTED KIT WAS COLLECTED.
10 S 2. This act shall take effect immediately.