STATE OF NEW YORK

292

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. YOUNG -- 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 establishing a child sex abuse survivor hotline for past childhood sexual offense reporting

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

Section 1. Legislative findings. The legislature hereby finds that it is in the public interest to collect data about the extent of instances of past childhood sexual abuse which may have been unreported to appropriate authorities at the time the abuse occurred or is still within the existing statutory timeframe for criminal prosecution or the filing of a civil claim. The consequences to victims from such past childhood sexual abuse are often repressed for many years and can be devastating to the victims and to society as a whole. Many incidents of abuse are also unreported to enforcement authorities due to a fear of retaliation or reprisal. In order to help determine the extent of this prior abuse, aid in efforts to prosecute past childhood sexual abuse offenses and establish associated claims which may still be viable for legal action, aid efforts to prevent future childhood sexual abuse, and help determine the appropriate means of providing compensation for damages incurred by the victims of past abuse, the legislature finds that the establishment of a voluntary reporting program (a child sex abuse survivor hotline) for incidents of past childhood sexual abuse is in the public interest.

§ 2. The executive law is amended by adding a new section 837-t to read as follows:

§ 837-t. Child sex abuse survivor hotline for past childhood sexual offense reporting. 1. The division of criminal justice services shall maintain a toll free child sex abuse hotline for victims to report and provide documentation of prior incidents of sexual abuse they have experienced which occurred before the victim's eighteenth birthday and which

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

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would constitute a sexual offense; or, prior incidents of sexual abuse which occurred before the victim's eighteenth birthday and which are, at the time of the reporting, barred from criminal prosecution under the provisions of section 30.10 of the criminal procedure law. For purposes of this section, the term "sexual abuse" shall mean acts proscribed under article one hundred thirty of the penal law, acts constituting incest as defined in section 255.27, 255.26, or 255.25 of the penal law, or acts including the individual in a sexual performance as defined in section 263.05 of the penal law, or a predecessor statute that prohibited such conduct at the time of the act.

2. The division shall record information received from the victim which shall, to the extent possible include any and each instance of alleged sexual abuse. The information to be collected shall, at a minimum and to the extent possible, include: the specific sexual abuse alleged; the time, place and geographic location of the alleged sexual abuse; the victim's identity; the perpetrator's identity; whether there is any degree of consanguinity between the victim and perpetrator; and any other relevant information deemed necessary by the commissioner.

3. The division shall record any reported instances of sexual abuse, which are determined to be non-time barred under the provisions of criminal procedure law section 30.10, and report each instance to the appropriate local district attorney's office for investigation. The division shall also report any incidents of abuse when the victim is less than eighteen years of age at the time of reporting or when such abuse may be ongoing to the office of children and family services and shall coordinate with the office to have such allegations investigated in a timely manner pursuant to title six of article six of the social services law. The division shall also retain and make available information on appropriate advocacy groups and counseling organizations and mechanisms for victim services and compensation which are available to the alleged victim.

4. Any information relating to the identity of the perpetrator and the alleged victim shall remain confidential and may only be made available: (a) to the appropriate district attorney's office when the division determines the reported alleged abuse may not be time barred from prosecution; and (b) provided to the office of children and family services when the victim is determined to be under eighteen years of age at the time of the reporting pursuant to subdivision three of this section.

5. The division shall direct resources toward the marketing and public dissemination of information regarding the past child sexual abuse victim information reporting system hotline to promote public awareness of such hotline.

6. The division shall provide a report on January first of each year to the temporary president of the senate, the speaker of the assembly, and the governor which shall provide the information collected by the division pursuant to this section, provided however that the information provided shall not identify the names of the victims or perpetrators of the alleged sexual abuse.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment, or repeal of any rules and regulations necessary to implement the provisions of this act on its effective date, are authorized to be completed on or before such date.