STATE OF NEW YORK

5188

2023-2024 Regular Sessions

IN ASSEMBLY

March 3, 2023

Introduced by M. of A. PALMESANO, BLANKENBUSH, BRABENEC, DiPIETRO, FRIEND, J. M. GIGLIO, HAWLEY, MORINELLO, TAGUE -- Multi-Sponsored by -- M. of A. BARCLAY, BYRNES, McDONOUGH, MIKULIN, MILLER, REILLY -- 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 Assembly, do enact as follows:

Section 1. The executive law is amended by adding a new section 838-c to read as follows:

§ 838-c. Untested sexual offense evidence kit collection report. 1. As used in this section, the following terms have the following meanings:

(a) "Forensic medical examination" shall mean an examination provided to the victim of a sexual offense by a health care provider for the purpose of gathering and preserving evidence of a sexual offense for use in a court of law;

(b) "Sexual offense evidence collection kit" shall mean a human biological specimen or specimens collected by a health care provider during a forensic medical examination from the victim of a sexual offense; and

(c) "Untested sexual offense evidence collection kit" shall mean a sexual offense evidence collection kit that has not been submitted to the New York state police laboratory or a similar qualified laboratory for either a serology or deoxyribonucleic acid (DNA) test.

2. By the first of November, two thousand twenty-three, and every first of November thereafter, all law enforcement agencies and departments charged with the maintenance, storage and preservation of sexual offense evidence collection kits shall conduct an inventory of all such kits being stored by the agency or department.

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

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3. By the first of November, two thousand twenty-three, and every first of November thereafter, each law enforcement agency shall compile, in writing, a report containing the number of untested sexual offense evidence collection kits in the possession of the agency or department and the date the sexual offense evidence kit was collected. The report shall be transmitted to the division.

4. By the first of January, two thousand twenty-four, and every first of January thereafter, the division shall prepare and transmit a report to the governor, the temporary president of the senate and the speaker of the assembly containing the number of untested sexual offense evidence collections kits being stored by each county, by each law enforcement agency or department, and the date the untested kit was collected.

§ 2. This act shall take effect immediately.