

# STATE OF NEW YORK

3557

2023-2024 Regular Sessions

## IN SENATE

February 1, 2023

Introduced by Sens. SANDERS, KRUEGER -- read twice and ordered printed,  
and when printed to be committed to the Committee on Codes

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 Assem-  
bly, do enact as follows:

1 Section 1. Section 837-w of the executive law, as added by chapter 219  
2 of the laws of 2022, is renumbered section 837-x and a new section 837-y  
3 is added to read as follows:

4 § 837-y. Untested sexual offense evidence collection kit reports. 1.  
5 As used in this section, the following terms shall have the following  
6 meanings:

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

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

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

19 2. By July first, two thousand twenty-three, and every first of July  
20 thereafter, all law enforcement agencies responsible for the taking and  
21 processing of sexual offense evidence collection kits shall conduct an  
22 inventory of all such kits being stored by the agency and report all of  
23 the following to the division:

24 (a) the number of sexual offense evidence collection kits the law  
25 enforcement agency collects;

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

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1 (b) the number of sexual offense evidence collection kits that are  
2 tested; and

3 (c) the number of untested sexual offense evidence collection kits and  
4 the reason such kits remain untested.

5 3. By the first of January, two thousand twenty-four, and every first  
6 of January thereafter, the division shall prepare and transmit a report  
7 to the appropriate policy committees of the legislature summarizing the  
8 information the division receives pursuant to subdivision two of this  
9 section.

10 § 2. This act shall take effect immediately.