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 Assembly, do enact as follows:

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

§ 837-y. Untested sexual offense evidence collection kit reports. 1. As used in this section, the following terms shall 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 July first, two thousand twenty-three, and every first of July thereafter, all law enforcement agencies responsible for the taking and processing of sexual offense evidence collection kits shall conduct an inventory of all such kits being stored by the agency and report all of the following to the division:

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

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

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

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

3. 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 appropriate policy committees of the legislature summarizing the information the division receives pursuant to subdivision two of this section.

§ 2. This act shall take effect immediately.