STATE OF NEW YORK

11064

IN ASSEMBLY

April 24, 2026

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the rights of sexual assault survivors during the investigative process and establishing a task force to study and assess sexual assault survivors' rights and services

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

Section 1. Section 642 of the executive law, as added by chapter 94 of the laws of 1984, subdivision 1 as amended by chapter 193 of the laws of 2006, subdivision 2-a as amended by chapter 301 by the laws of the 1991, paragraph (a) of subdivision 2-a as amended by chapter 320 of the laws of 2006, subdivision 3 as amended by chapter 893 of the laws of 1986, subdivision 5 as amended by chapter 263 of the laws of 1986 and subdivision 6 as added by chapter 468 of the laws of 2025, is amended to read as follows:

§ 642. Criteria for fair treatment standards. Such fair treatment standards shall provide that:

1. The victim of a violent felony offense, a felony involving physical injury to the victim, a felony involving property loss or damage in excess of two hundred fifty dollars, a felony involving attempted or threatened physical injury or property loss or damage in excess of two hundred fifty dollars or a felony involving larceny against the person shall, unless [~~he or she~~] **the victim** refuses or is unable to cooperate or [~~his or her~~] **the victim's** whereabouts are unknown, be consulted by the district attorney in order to obtain the views of the victim regarding disposition of the criminal case by dismissal, plea of guilty or trial. In such a case in which the victim is a minor child, or in the case of a homicide, the district attorney shall, unless the family refuses or is unable to cooperate or [~~his, her or their~~] **the victim's** whereabouts are unknown, consult for such purpose with the family of the victim. In addition, the district attorney shall, unless [~~he or she~~] **the victim's** (or, in the case in which the victim is a minor child or a victim of homicide, [~~his or her~~] **the victim's** family) refuses or is

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

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unable to cooperate or [~~his, her or their~~] the victim's whereabouts are unknown, consult and obtain the views of the victim or family of the victim, as appropriate, concerning the release of the defendant in the victim's case pending judicial proceedings upon an indictment, and concerning the availability of sentencing alternatives such as community supervision and restitution from the defendant. The failure of the district attorney to so obtain the views of the victim or family of the victim shall not be cause for delaying the proceedings against the defendant nor shall it affect the validity of a conviction, judgment or order.

2. The victims and other prosecution witnesses shall, where possible, be provided, when awaiting court appearances, a secure waiting area that is separate from all other witnesses.

[~~2-a. (a)~~] 3. For the purposes of this section, a "sexual assault survivor" or "survivor" shall mean the victim of a crime under article one hundred thirty or section 255.25, 255.26 or 255.27 of the penal law.

4. All police departments, as that term is defined in subdivision a of section eight hundred thirty-seven-c of this chapter, district attorneys' offices and presentment agencies, as that term is defined in subdivision twelve of section 301.2 of the family court act, shall provide a private setting for interviewing [~~victims of a crime defined in article one hundred thirty or section 255.25, 255.26 or 255.27 of the penal law~~] sexual assault survivors. For purposes of this subdivision, "private setting" shall mean an enclosed room from which the occupants are not visible or otherwise identifiable, and whose conversations cannot be heard, from outside such room. Only (i) those persons directly and immediately related to the interviewing of a particular victim, (ii) [~~the victim~~] legal counsel retained by the victim, (iii) a support person of the victim's choosing, (iv) a social worker, rape crisis counselor, psychologist or other professional providing emotional support to the victim, unless the victim objects to the presence of such person and requests the exclusion of such person from the interview or interviews, and [~~(iv)~~] (v) where appropriate, the parent or parents of the victim, if requested by the victim, shall be present during the interview or interviews of the victim.

[~~(b)~~] 5. A sexual assault survivor shall have the right to be interviewed by a law enforcement official of the gender of the survivor's choosing. If no law enforcement official of that gender is reasonably available, the survivor may be interviewed by an available law enforcement official only upon the survivor's consent. Before commencing an interview of a sexual assault survivor, a law enforcement official shall inform the survivor of such right.

6. All police departments, as that term is defined in subdivision a of section eight hundred thirty-seven-c of this chapter, shall provide [~~victims of a crime defined in article one hundred thirty of the penal law~~] sexual assault survivors with the name, address, and telephone of the nearest rape crisis center in writing.

[~~3.~~] 7. Law enforcement agencies and district attorneys shall promptly return property held for evidentiary purposes unless there is a compelling reason for retaining it relating to proof at trial.

[~~4.~~] 8. The victim or witness who so requests shall be assisted by law enforcement agencies and district attorneys in informing employers that the need for victim and witness cooperation in the prosecution of the case may necessitate absence of that victim or witness from work. In addition, a victim or witness who, as a direct result of a crime or of cooperation with law enforcement agencies or the district attorney in

the investigation or prosecution of a crime is unable to meet obligations to a creditor, creditors or others should be assisted by such agencies or the district attorney in providing to such creditor, creditors or others accurate information about the circumstances of the crime, including the nature of any loss or injury suffered by the victim, or about the victim's or witness' cooperation, where appropriate.

[~~5.~~] 9. Victim assistance education and training, with special consideration to be given to victims of domestic violence, sex offense victims, elderly victims, child victims, and the families of homicide victims, shall be given to persons taking courses at state law enforcement training facilities and by district attorneys so that victims may be promptly, properly and completely assisted.

[~~6.~~] 10. A victim of an assault may choose to make their statement at their workplace provided such workplace was the scene of the assault and is a hospital, emergency medical facility, nursing home, or residential health care facility as defined in section twenty-eight hundred one of the public health law, or is a facility or hospital as defined in section 1.03 of the mental hygiene law. Law enforcement officers shall inform the victim of their right to have their statement be taken at such workplace when officers have reason to believe the victim was assaulted pursuant to section 120.05 of the penal law.

§ 2. The executive law is amended by adding a new section 637 to read as follows:

§ 637. Sexual assault survivors task force. 1. A sexual assault survivors task force is hereby established to study, evaluate and determine the rights of sexual assault victims and the services available to them.

2. The task force shall include no more than fifteen members, selected and staffed, unless otherwise indicated, by the office and shall consist of:

(a) the director or the director's designee;

(b) a survivor of sexual assault who is a resident of New York state;

(c) a representative of rape crisis centers;

(d) a representative of the state department of education, whose occupational duties include the provision of direct services to victims of sexual assault;

(e) a representative of an organization that provides services, education, or outreach to communities of color or immigrant communities;

(f) a representative of an organization that provides services, education, or outreach to lesbian, gay, bisexual, and transgender individuals; and

(g) other individuals or representatives selected by the office.

3. The task force shall:

(a) recommend methods to develop and implement an effective mechanism for submitting, tracking and investigating complaints regarding the handling of, or response to, a sexual assault report or investigation by any agency or organization involved in the response;

(b) determine the need for additional services across New York state for survivors of sexual assault, and if such a need does exist, the task force shall create a plan for how the state can provide additional sexual assault services to meet the needs identified, and determine the cost of funding such a plan; and

(c) examine the need to maintain the task force after the final report is issued.

4. The members of the task force shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their services.

5. The task force shall collect data regarding access to sexual assault survivor services, access to support during the investigative process by law enforcement for those that report a sexual assault, and any other data important for its deliberations and recommendations. The task force shall collect feedback from survivors of sexual assault, stakeholders, practitioners, leadership throughout the state, victim services providers and health care communities to inform development of future best practices or clinical guidelines regarding the care and treatment of survivors.

6. No later than eighteen months after the effective date of this section, the task force shall provide a report containing the results of the study, including assessments, developments, and recommendations, to the governor, attorney general, temporary president of the senate, the minority leader of the senate, the speaker of the assembly, and the minority leader of the assembly. The task force shall also make the report public by posting a copy on the website of the office.

7. The task force shall be reconvened on an ongoing basis every five years in perpetuity, or until it is determined that the provisions of this section have been effectively implemented to ensure the rights of all survivors in New York state.

§ 3. This act shall take effect immediately.