

STATE OF NEW YORK

5225

2025-2026 Regular Sessions

IN SENATE

February 19, 2025

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to collecting and reporting sexual offense evidence on the statewide electronic tracking system

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

1 Section 1. Paragraph (j) of subdivision 2 of section 2805-i of the
2 public health law, as amended by section 1 of part II of chapter 56 of
3 the laws of 2021, is amended to read as follows:

4 (j) Notwithstanding any other provision in this section, sexual
5 offense evidence shall not continue to be stored where: (i) such
6 evidence is not privileged and law enforcement requests its release, in
7 which case the [~~eustodian(s)~~] custodian or custodians shall comply with
8 such request; or (ii) such evidence is privileged and either (A) the
9 alleged sexual offense victim gives permission to release the evidence
10 to law enforcement, upon which law enforcement must retrieve the
11 evidence within three days of such permission and report such evidence
12 in the statewide electronic tracking system pursuant to subdivision
13 eight of this section, or (B) the alleged sexual offense victim signs a
14 statement directing the [~~eustodian(s)~~] custodian or custodians to
15 dispose of the evidence, in which case the sexual offense evidence will
16 be discarded in compliance with state and local health codes.

17 § 2. Subdivision 8 of section 2805-i of the public health law, as
18 amended by chapter 31 of the laws of 2023, is amended to read as
19 follows:

20 8. (a) The division of criminal justice services in consultation with
21 the department, the office of victim services, the division of state
22 police, and the New York State Coalition Against Sexual Assault shall
23 develop a statewide electronic tracking system for reported evidence
24 collection kits used to collect and preserve evidence of a sexual

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

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1 assault or other sex offense [~~that are submitted to the custody of law~~
2 ~~enforcement~~]. Such statewide electronic tracking system shall not
3 include unreported evidence collection kits [~~not in the custody of law~~
4 ~~enforcement~~], provided, however, that any unreported evidence collection
5 kits released by the office of victim services to law enforcement pursu-
6 ant to clause (A) of subparagraph (ii) of paragraph j of subdivision two
7 of this section shall be designated as reported evidence collection kits
8 subject to the tracking requirements set forth in this subdivision.

9 (b) The division of criminal justice services shall promulgate rules
10 and guidelines to ensure that sexual assault evidence collection kits
11 [~~that are submitted to the custody of law enforcement~~] are trackable on
12 a statewide electronic tracking system developed pursuant to this subdivi-
13 sion, and that survivors are given notice of how they may track their
14 own [~~sexual assault~~] reported evidence collection kit [~~after it has been~~
15 ~~submitted to the custody of law enforcement~~]. Such rules and guidelines
16 shall require that (i) hospitals collecting evidence collection kits
17 record the collection of any reported evidence collection kits in the
18 electronic tracking system and notify the appropriate law enforcement
19 agency within forty-eight hours of such collection, and (ii) law
20 enforcement retrieve any reported evidence collection kit from a hospi-
21 tal within three days of being notified by a hospital that a reported
22 evidence collection kit has been collected. Any hospital, law enforce-
23 ment agency, forensic laboratory, or prosecutor that has taken custody
24 of an evidence collection kit used for a forensic medical examination
25 shall comply with the established protocols, rules and guidelines estab-
26 lished by the division of criminal justice services pursuant to this
27 paragraph.

28 (c) The statewide electronic tracking system shall:

29 (1) Track the location and status of each reported evidence collection
30 kit [~~after such kit has been submitted to the custody of law enforce-~~
31 ~~ment~~] from collection to final disposition;

32 (2) Allow a hospital, law enforcement agency, accredited crime labora-
33 tory, prosecutor, employees of the long-term sexual offense evidence
34 storage facility, or any other entity providing a chain of custody for
35 [~~an~~] a reported evidence collection kit, to update and track the status
36 and location of the reported evidence collection kits [~~that have been~~
37 ~~submitted to the custody of law enforcement~~]; and

38 (3) Allow a survivor to anonymously track or receive updates regarding
39 the status and location of such survivor's reported evidence collection
40 kit [~~that has been submitted to the custody of law enforcement~~].

41 (d) No later than January first, two thousand twenty-five, any hospi-
42 tal, law enforcement agency, accredited crime laboratory, prosecutor,
43 employee of the long-term sexual offense evidence storage facility, or
44 any other entity providing a chain of custody for [~~an~~] a reported
45 evidence collection kit to update and track the status and location of
46 such kit, shall participate in the tracking system and comply with all
47 established protocols, rules and guidelines. A participating entity
48 shall be permitted to access the entity's tracking information through
49 the statewide electronic tracking system.

50 (e) Records entered into the tracking system are confidential. Records
51 relating to [~~an~~] a reported evidence collection kit shall be accessed
52 only by the survivor for whom the reported evidence collection kit was
53 completed.

54 (f) The provisions of this subdivision shall apply to all reported
55 evidence collection kits submitted prior to, on, or after the effective
56 date of this subdivision.

1 (g) For purposes of this section:

2 (1) "evidence collection kit" shall mean a human biological specimen
3 or specimens collected by a healthcare provider during a forensic
4 medical examination from the victim of a sexual assault or other sex
5 offense; [~~and~~]

6 (2) "survivor" shall mean an individual who is the victim of a sexual
7 offense from whom a human biological specimen or specimens collected by
8 a healthcare provider during a forensic medical examination[~~;~~];

9 (3) "reported evidence collection kit" means a sexual assault evidence
10 kit in which the survivor has consented to evidence collection and
11 reporting the sexual assault or other sex offense to law enforcement;
12 and

13 (4) "unreported evidence collection kit" means evidence collection
14 kits controlled by the office of victims services pursuant to paragraph
15 (d) of subdivision two of this section.

16 § 3. This act shall take effect immediately. Effective immediately,
17 the addition, amendment and/or repeal of any rule or regulation neces-
18 sary for the implementation of this act on its effective date are
19 authorized to be made and completed on or before three months of such
20 effective date.