

# STATE OF NEW YORK

11064--A

## IN ASSEMBLY

April 24, 2026

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

11 1. The victim of a violent felony offense, a felony involving physical  
12 injury to the victim, a felony involving property loss or damage in  
13 excess of two hundred fifty dollars, a felony involving attempted or  
14 threatened physical injury or property loss or damage in excess of two  
15 hundred fifty dollars or a felony involving larceny against the person  
16 shall, unless [~~he or she~~] the victim refuses or is unable to cooperate  
17 or [~~his or her~~] the victim's whereabouts are unknown, be consulted by  
18 the district attorney in order to obtain the views of the victim regard-  
19 ing disposition of the criminal case by dismissal, plea of guilty or  
20 trial. In such a case in which the victim is a minor child, or in the  
21 case of a homicide, the district attorney shall, unless the family  
22 refuses or is unable to cooperate or [~~his, her or their~~] the victim's  
23 whereabouts are unknown, consult for such purpose with the family of the  
24 victim. In addition, the district attorney shall, unless [~~he or she~~] the  
25 victim's (or, in the case in which the victim is a minor child or a

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

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

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

15 [~~2-a. (a)~~] 3. For the purposes of this section, a "sexual assault  
16 survivor" or "survivor" shall mean the victim of a crime under article  
17 one hundred thirty or section 255.25, 255.26 or 255.27 of the penal law.

18 4. All police departments, as that term is defined in subdivision a of  
19 section eight hundred thirty-seven-c of this chapter, district attor-  
20 neys' offices and presentment agencies, as that term is defined in  
21 subdivision twelve of section 301.2 of the family court act, shall  
22 provide a private setting for interviewing [~~victims of a crime defined~~  
23 ~~in article one hundred thirty or section 255.25, 255.26 or 255.27 of the~~  
24 ~~penal law~~] sexual assault survivors. For purposes of this subdivision,  
25 "private setting" shall mean an enclosed room from which the occupants  
26 are not visible or otherwise identifiable, and whose conversations  
27 cannot be heard, from outside such room. Only (i) those persons directly  
28 and immediately related to the interviewing of a particular [~~victim~~]  
29 survivor, (ii) [~~the victim, (iii)~~] a social worker, rape crisis counse-  
30 lor, psychologist or other professional providing emotional support to  
31 the [~~victim~~] survivor, unless the [~~victim~~] survivor objects to the pres-  
32 ence of such person and requests the exclusion of such person from the  
33 interview or interviews, and [~~(iv)~~] (iii) where appropriate, the parent  
34 or parents of the [~~victim~~] survivor, or a support person of the survi-  
35 vor's choosing, if requested by the [~~victim~~] survivor, shall be present  
36 during the interview or interviews of the [~~victim~~] survivor. Before  
37 conducting a substantive interview of the survivor, a law enforcement  
38 official shall verbally inform the survivor of the right to have such  
39 persons present.

40 [~~(b)~~] 5. Before conducting a substantive interview of a sexual  
41 assault survivor, a police department or law enforcement agency shall  
42 inform the survivor that the survivor may request that the primary  
43 interviewer be of a particular gender. The police department or law  
44 enforcement agency shall make reasonable efforts to accommodate such  
45 request, including, where practicable, seeking assistance from another  
46 police department or law enforcement agency. If the police department or  
47 law enforcement agency is unable to fulfill this request, the police  
48 department or law enforcement agency shall make reasonable efforts to  
49 ensure at least one approved person in the interview room, in addition  
50 to the survivor, is the gender that the survivor is requesting.

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

1     ~~[3-]~~ 7. Law enforcement agencies and district attorneys shall promptly  
2 return property held for evidentiary purposes unless there is a compel-  
3 ling reason for retaining it relating to proof at trial.

4     ~~[4-]~~ 8. The victim or witness who so requests shall be assisted by law  
5 enforcement agencies and district attorneys in informing employers that  
6 the need for victim and witness cooperation in the prosecution of the  
7 case may necessitate absence of that victim or witness from work. In  
8 addition, a victim or witness who, as a direct result of a crime or of  
9 cooperation with law enforcement agencies or the district attorney in  
10 the investigation or prosecution of a crime is unable to meet obli-  
11 gations to a creditor, creditors or others should be assisted by such  
12 agencies or the district attorney in providing to such creditor, credi-  
13 tors or others accurate information about the circumstances of the  
14 crime, including the nature of any loss or injury suffered by the  
15 victim, or about the victim's or witness' cooperation, where appropri-  
16 ate.

17     ~~[5-]~~ 9. Victim assistance education and training, with special consid-  
18 eration to be given to victims of domestic violence, sex offense  
19 victims, elderly victims, child victims, and the families of homicide  
20 victims, shall be given to persons taking courses at state law enforce-  
21 ment training facilities and by district attorneys so that victims may  
22 be promptly, properly and completely assisted.

23     ~~[6-]~~ 10. A victim of an assault may choose to make their statement at  
24 their workplace provided such workplace was the scene of the assault and  
25 is a hospital, emergency medical facility, nursing home, or residential  
26 health care facility as defined in section twenty-eight hundred one of  
27 the public health law, or is a facility or hospital as defined in  
28 section 1.03 of the mental hygiene law. Law enforcement officers shall  
29 inform the victim of their right to have their statement be taken at  
30 such workplace when officers have reason to believe the victim was  
31 assaulted pursuant to section 120.05 of the penal law.

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

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

37     2. The task force shall include no more than fifteen members, selected  
38 and staffed, unless otherwise indicated, by the office of victim  
39 services, the department of criminal justice services, and the depart-  
40 ment of health, and shall consist of:

41     (a) the director of the office of victim services, or the director's  
42 designee;

43     (b) the commissioner of criminal justice services, or the commission-  
44 er's designee;

45     (c) the commissioner of health, or the commissioner's designee;

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

47     (e) a representative of rape crisis centers;

48     (f) a representative of the state department of education, whose occu-  
49 pational duties include the provision of direct services to victims of  
50 sexual assault;

51     (g) a representative of an organization that provides services, educa-  
52 tion, or outreach to communities of color or immigrant communities;

53     (h) a representative of an organization that provides services, educa-  
54 tion, or outreach to lesbian, gay, bisexual, and transgender individ-  
55 uals; and

56     (i) 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. Paragraph (a) of subdivision 4 of section 840 of the executive law, as added by chapter 506 of the laws of 2011, is amended to read as follows:

(a) Develop, maintain and disseminate, in consultation with rape crisis centers experienced in assisting victims in this state, written policies and procedures consistent with applicable provisions of the family court act, domestic relations law, criminal procedure law and the penal law, regarding the investigation of and intervention by new and veteran police officers in crimes involving sexual assault. Such policies and procedures shall make provisions for education and training of new and veteran police officers in the investigation and enforcement of crimes involving sexual assault under state law, including but not limited to:

- (1) trauma-informed, evidence-based techniques for interviewing and interacting with sexual assault victims,
- (2) fair treatment standards for crime victims pursuant to article twenty-three of this chapter,
- (3) evidence gathering and evidence preservation, and
- (4) dissemination of information concerning availability of local services for the victims of such crimes; and

§ 4. This act shall take effect immediately.