STATE OF NEW YORK

9480

IN ASSEMBLY

January 7, 2026

Introduced by M. of A. PAULIN -- read once and referred 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; and to amend a chapter of the laws of 2025 amending the public health law relating to collecting and reporting sexual offense evidence on the statewide electronic tracking system, as proposed in legislative bills numbers S. 5225-A and A. 1970-A, in relation to the effectiveness thereof

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

Section 1. Paragraph (j) of subdivision 2 of section 2805-i of the public health law, as amended by a chapter of the laws of 2025 amending the public health law relating to collecting and reporting sexual offense evidence on the statewide electronic tracking system, as proposed in legislative bills numbers S. 5225-A and A. 1970-A, is amended to read as follows:

(j) Notwithstanding any other provision in this section, sexual offense evidence shall not continue to be stored where: (i) such evidence is not privileged and law enforcement requests its release, in which case the custodian or custodians shall comply with such request; or (ii) such evidence is privileged and either (A) the alleged sexual offense victim gives permission to release the evidence to law enforcement, upon which **the hospital collecting such evidence must record the collection of such evidence in the electronic tracking system and notify the appropriate law enforcement agency within forty-eight hours and** law enforcement must retrieve the evidence within [~~seven~~] **ten** days of such [~~permission~~] **notice** and report such evidence in the statewide electronic tracking system pursuant to subdivision eight of this section, or (B) the alleged sexual offense victim signs a statement directing the custodian or custodians to dispose of the evidence, in which case the sexual offense evidence will be discarded in compliance with state and local health codes.

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

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§ 2. Subdivision 8 of section 2805-i of the public health law, as amended by a chapter of the laws of 2025 amending the public health law relating to collecting and reporting sexual offense evidence on the statewide electronic tracking system, as proposed in legislative bills numbers S. 5225-A and A. 1970-A, is amended to read as follows:

8. (a) The division of criminal justice services in consultation with the department, the office of victim services, the division of state police, and the New York State Coalition Against Sexual Assault shall develop a statewide electronic tracking system for reported evidence collection kits used to collect and preserve evidence of a sexual assault or other sex offense. Such statewide electronic tracking system shall not include unreported evidence collection kits, provided, however, that any unreported evidence collection kits released by the office of victim services to law enforcement pursuant to clause (A) of subparagraph (ii) of paragraph [~~i~~] **(j)** of subdivision two of this section shall **then** be designated as reported evidence collection kits subject to the tracking requirements set forth in this subdivision.

(b) The division of criminal justice services shall promulgate rules and guidelines to ensure that sexual [~~assault~~] **offense** evidence collection kits are trackable on a statewide electronic tracking system developed pursuant to this subdivision, and that survivors are given notice of how they may track their own reported evidence collection kit. [~~Such rules and guidelines shall require that (i) hospitals collecting evidence collection kits record the collection of any reported evidence collection kits in the electronic tracking system and notify the appropriate law enforcement agency within forty-eight hours of such collection, and (ii) law enforcement retrieve any reported evidence collection kit from a hospital within seven days of being notified by a hospital that a reported evidence collection kit has been collected.~~] Any [~~hospital,~~] law enforcement agency, forensic laboratory, or prosecutor that has taken custody of an evidence collection kit used for a forensic medical examination shall comply with the established protocols, rules and guidelines established by the division of criminal justice services pursuant to this paragraph.

(c) The statewide electronic tracking system shall:

(1) Track the location and status of each reported evidence collection kit from collection to final disposition;

(2) Allow a hospital, law enforcement agency, accredited crime laboratory, prosecutor, employees of the long-term sexual offense evidence storage facility, or any other entity providing a chain of custody for a reported evidence collection kit, to update and track the status and location of the reported evidence collection kits; and

(3) Allow a survivor to anonymously track or receive updates regarding the status and location of such survivor's reported evidence collection kit.

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

(e) Records entered into the tracking system are confidential. Records relating to a reported evidence collection kit shall be accessed only by

the survivor for whom the reported evidence collection kit was completed.

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

(g) For purposes of this section:

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

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

(3) "reported evidence collection kit" means a sexual [~~**assault**~~] **offense** evidence kit in which the survivor has consented to evidence collection and reporting the sexual assault or other sex offense to law enforcement; and

(4) "unreported evidence collection kit" means **a sexual offense** evidence collection [~~**kits controlled by the office of victims services pursuant to paragraph (d) of subdivision two of this section**~~] **kit for which the survivor has not consented to or withdraws their consent to release to law enforcement**.

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

(d) Until September thirtieth, two thousand twenty-two, or earlier if determined feasible by the director of budget, hospitals shall be responsible for securing long-term sexual offense evidence pursuant to this section, after which such storage shall be the responsibility of the office of victim services**, provided, however, that law enforcement shall transfer sexual offense evidence that is reported to law enforcement but for which consent is later withdrawn to the office of victim services for long-term storage. Storage of reported kits transferred to the office of victim services or retained by law enforcement shall comport with the provisions of this subdivision**. Hospitals may enter into contracts with other entities that will ensure appropriate and secure long-term storage of sexual offense evidence pursuant to this section until September thirtieth, two thousand twenty-two.

§ 4. Section 3 of a chapter of the laws of 2025 amending the public health law relating to collecting and reporting sexual offense evidence on the statewide electronic tracking system, as proposed in legislative bills numbers S. 5225-A and A. 1970-A, is amended to read as follows:

§ 3. This act shall take effect [~~**immediately**~~] **six months after it shall have become a law**. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before three months of such effective date.

§ 5. This act shall take effect immediately; provided, however, that sections one, two and three of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2025 amending the public health law relating to collecting and reporting sexual offense evidence on the statewide electronic tracking system, as proposed in legislative bills numbers S. 5225-A and A. 1970-A, takes effect.