§ 838-a. Maintenance of sexual offense evidence kits. 1. The following requirements shall apply to all sexual offense evidence kits surrendered to or collected by, at the request of, or with cooperation of a police agency or prosecutorial agency:

(a) Each such police agency and prosecutorial agency shall submit any sexual offense evidence kits in its custody or control to an appropriate forensic laboratory within ten days of receipt.

(b) Each forensic laboratory receiving sexual offense evidence kits after the effective date of this section shall assess case specific information for Combined DNA Index System (CODIS) eligibility and, if eligible, analyze the kits and attempt to develop CODIS eligible profiles of any potential perpetrators from the evidence submitted. The forensic lab shall report the results to the submitting agency and appropriate prosecutorial entity within ninety days after receipt of a kit.

(c) Each police agency and prosecutorial agency that has one or more sexual offense evidence kit in its custody or control shall, within ninety days after the effective date of this paragraph, inventory such kits and report the total number of such kits to the division and to the forensic laboratory where such kits will be submitted pursuant to paragraph (a) of this subdivision. The division shall provide such inventories to the senate and assembly leaders by March first, two thousand seventeen. Every police and prosecutorial agency shall update this report each month thereafter until paragraph (a) of this subdivision has become effective.

(d) Each police agency and prosecutorial agency that, prior to the effective date of paragraph (a) of this subdivision, has one or more sexual offense evidence kits in its custody or control shall, within thirty days after the effective date of this section, submit all untested kits in its possession or control to an appropriate forensic laboratory.

(e) Each forensic laboratory, within one hundred twenty days after receiving each sexual offense evidence kit pursuant to paragraph (d) of this subdivision shall assess case specific information for CODIS eligibility and, if eligible, analyze the kits and attempt to develop CODIS eligible profiles for any potential perpetrators and shall, within ninety days of such assessment, report the results to the submitting

agency and the appropriate prosecutorial entity.

(f) The failure of any such police agency, prosecutorial agency or forensic laboratory to comply with a time limit specified in this section or section eight hundred thirty-eight-b of this article shall not, in and of itself, constitute a basis for a motion to suppress evidence in accordance with section 710.20 of the criminal procedure law.

2. (a) Each forensic laboratory in the state shall report to the division, on a quarterly basis, in writing, on (i) the number of sexual offense evidence kits it received, (ii) the number of such kits processed for the purpose of developing Combined DNA Index System (CODIS) eligible profiles of any potential perpetrators, and (iii) the number of kits not processed for testing, including, the reason such kits were ineligible for processing.

(b) Each police agency and prosecutorial agency shall report to the division on a quarterly basis, in writing, on (i) the number of all the sexual offense evidence kits it received, (ii) the number of such kits it submitted to a forensic laboratory for processing, (iii) the number of kits in its custody or control that have not been processed for testing, and (iv) the length of time between receipt of any such sexual offense evidence kit and the submission of any such kit to the forensic laboratory.

(c) The division shall provide to the senate and assembly leaders such quarterly reports received from the forensic labs and police and prosecutorial agencies pursuant to paragraphs (a) and (b) of this subdivision by January first, two thousand eighteen and annually thereafter.

3. Each police agency, prosecutorial agency and other law enforcement agency within this state shall adopt policies and procedures concerning contact with victims of sexual offenses, and the provision of information to victims upon request, concerning sexual offense evidence collected or received from them. The policies and procedures shall be victim-focused, meaning systematically focused on the needs and concerns of victims to ensure the compassionate and sensitive delivery of services in a nonjudgemental manner, and shall include, at a minimum, a

requirement that:

(a) the police agency, prosecutorial agency or other law enforcement agency designate at least one person, who is trained in trauma and victim response through a program meeting minimum standards established by the division of criminal justice services, following appropriate guidelines on evidence-based, trauma-informed practices, which may include guidelines from the Substance Abuse and Mental Health Services Administration, within its agency to receive all inquiries concerning sexual offense evidence kits from victims; and

(b) at the time that a sexual offense evidence kit is collected, a victim shall be provided with: (i) a copy of the victim bill of rights described in subdivision six of section twenty-eight hundred five-i of the public health law; and (ii) contact information, including a name, phone number and e-mail address, for the individual designated pursuant to paragraph (a) of this subdivision at the police agency, prosecutorial agency or other law enforcement agency with jurisdiction over the sexual offense.

4. The division shall undertake actions designed to ensure that all police agencies and prosecutorial agencies in the state and all forensic laboratories are educated and aware of the provisions of this section.