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Int. No. 1079

By Council Members Louis, Banks, Moya, Brooks-Powers, Hudson, Feliz, Salaam, Riley and Gutiérrez

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to timely retrieve stored sexual offense evidence collection kits

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-198 to read as follows:

§ 14-198 Retrieval of stored sexual offense evidence collection kits. a. Definitions. As used in this section, the following terms have the following meanings:

Sexual offense evidence collection kit. The term "sexual offense evidence collection kit" means human biological specimens and other evidence, including clothing and bedding, collected from the survivor of an alleged sexual offense by a healthcare provider during a forensic medical examination.

Stored sexual offense evidence collection kit. The term "stored sexual evidence collection kit" means a sexual offense evidence collection kit in the custody of a hospital or long-term storage facility, pursuant to section 2805-i of the public health law.

Survivor. The term "survivor" means an individual who is the alleged victim of a sexual offense from whom a sexual offense collection evidence kit was collected by a healthcare provider during a forensic medical examination.

b. Retrieval timeframe. When a survivor consents to the release of a stored sexual evidence collection kit to the department, the commissioner shall ensure that such kit is retrieved from its storage location and delivered to an appropriate forensic laboratory for assessment no later than 7 days after such consent.

c. Reporting. 1. The commissioner shall submit to the mayor and the speaker of the council, and post to the department's website, a report in a machine readable format on the retrieval of stored sexual offense evidence collection kits. Such report is due annually on February 1 and shall report information for the preceding calendar year. Such report shall include a table in which each row uses a unique identifier to reference each stored sexual evidence collection kit that a survivor consented be released to the department. Each row shall include the following information, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

(a) The date the survivor consented to the stored sexual evidence collection kit's release to the department;

(b) The date the department retrieved such kit;

(c) Whether the department retrieved such kit from a hospital or a long-term storage facility; and

(d) The date the department delivered such kit to an appropriate forensic laboratory.

2. The report required by paragraph 1 of this subdivision shall not include any personal identifying information.

3. No information required by this section to be reported shall be reported in a manner that would interfere with law enforcement investigations or otherwise conflict with the interest of law enforcement.

§ 2. This local law takes effect immediately.

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