



NEW YORK STATE SENATOR

Terrence Murphy

Bi-Partisan Bill Give A Voice to Sexual Assault Victims

TERRENCE MURPHY February 14, 2018

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Albany - Headlines from Hollywood with celebrity accounts of sexual assault and mistreatment may be monopolizing the news, but they have served to underscore irrefutable facts - sexual assault continues to exact a toll on victims and our society. According to the National Sexual Violence Resource Center, someone in the United States is sexually assaulted every 98 seconds, and 91% of those victims are female.

On February 13, victims of sexual assault were given a voice when three measures currently before the houses were announced that would advance state protections and the rights of sexual assault survivors. Senator Terrence Murphy, co-sponsor of the legislation, joined sponsor Senator Kemp Hannon, Assemblywoman Aravella Simotas and other legislators at a press conference held in the capitol building in Albany, which included survivors and advocates from Rise, the Joyful Heart Foundation, and local SAFE providers.

"Sexual assault victims should not be re-victimized by being told they have to foot the bill for their own exams," said Senator Murphy. "Also, by tracking and monitoring rape kits for 20 years, we can help preserve crucial evidence that can help bring a criminal to justice and give victims a measure of peace."

Senator Hannon said, "This package of legislation aimed at helping survivors of sexual assault builds upon new laws the Senate championed over the last few years to provide funding and make sure New York State is testing all rape kits. This package of bills makes sure survivors rights are clearly spelled out, unreported kits are maintained according to federal best practices, all victims have access to specially trained sexual assault providers, and that hospitals are not inappropriately charging survivors."

"Compassion must always be paramount in the law enforcement response to sexual assault victims; it's the right thing to do and it will help to lock up dangerous criminals," said Assemblywoman Aravella Simotas "Mandating the quick processing of rape kits, which we did in 2016, was just the first step and helping sexual assault victims through the difficult process of evidence collection is the necessary second step. Legislation that I have sponsored - A8401 - would do just that. Victims must be informed of their rights, they must have access to information about the status of evidence analysis and untested rape kits

must never be destroyed prematurely. This is common decency and common sense."

New York State has a comprehensive program to treat sexual assault victims in hospital emergency rooms with staff specially trained in providing the necessary care, examinations, and collection of forensic evidence. Unfortunately, establishing and running specialized sexual assault forensic examination (SAFE) programs is very expensive because of the highly specialized level of staff training, the high turnover of staff, the need to have staff available around the clock and the fact that the average time to treat a sexual assault victim and collect evidence is about four hours. New legislation, S6964A, ensures sexual assault forensic exams performed by hospitals are free of charge to the sexual assault survivor.

"The rights of victims of sexual assault need to be paramount," said Ann Ellsworth, Executive Director for the Putnam/Northern Westchester Women's Resource Center. "The financial and emotional issues that victims face should not fall on the victims shoulders, and this legislation should help alleviate those burdens. Additionally, it will be comforting for victims to have a professionally trained advocate on hand to guide them through the process of a forensic exam."

A second bill, S6947A, establishes a Sexual Assault Forensic Examination (SAFE) Telemedicine Pilot Program to provide expert, comprehensive, compassionate care to patients and training to support providers in health care facilities that do not have a designated sexual assault forensic examination program.

The third bill, 6428A / A8401A, establishes a Sexual Assault Survivor Bill of Rights and requires unreported sexual assault evidence kits be maintained for 20 years in a secure, centralized location. The bill also requires the Division of Criminal Justice Services (DCJS) to conduct a study on the feasibility of creating a statewide sexual offense evidence kit

tracking system.