



NEW YORK STATE SENATOR

Terrence Murphy

Senator Murphy joins call for Gov to sign sexual assault survivor bill of rights

TERRENCE MURPHY November 2, 2018

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Albany, NY - The Center for Disease Control reports that an astonishing 25 million Americans are rape survivors—a population nearly equal to the state of Texas. Unfortunately, 70% of survivors of sexual assault do not report their rape or press charges, largely due to red tape and the stigma of having been victimized. However, a group of conscientious Senators is advocating the need for change in New York State. Senator Terrence Murphy recently joined

with Senators Kemp Hannon, Sue Serino, Elaine Phillips, Carl Marcellino, and Chris Jacobs to call on Governor Andrew Cuomo to immediately sign a crucial bill protecting the rights and well-being of sexual assault survivors. Enactment of the Sexual Assault Survivor Bill of Rights (S8977) will be crucial in ensuring the compassionate and sensitive delivery of services so that survivors know about the tools available to help them both immediately after an assault, as well as during the criminal process.

The bill is based on the federal Sexual Assault Survivors' Rights Act, which was passed by Congress in 2016 and signed by President Obama. The measure will better inform sexual assault survivors of their various rights to fair and sensitive treatment during the investigation of their crime. It also details the right of survivors to consult with and be accompanied by a victim assistance organization during physical exams and interrogations; receive preventive treatment for HIV, and be notified about the results of their sexual assault evidence kit and the status of their case.

"Sexual assault is a violent, life-changing crime. This bill includes protections for survivors of sexual assault that should be enacted without further delay," said Senator Murphy.

"Notifying victims of their legal rights will help ensure survivors are aware of the services available to them and provided with the information they need to navigate complicated medical and criminal justice systems."

Senator Hannon, Chair of the Senate Health Committee commented, "Enactment of my Sexual Assault Survivor Bill of Rights legislation will make New York a leader in protecting survivors. According to Endthebacklog.org, New York would be the third state in the nation to enact all parts of the comprehensive reform being called for to ensure that survivors receive the support and resources they need after an assault. The Bill of Rights needs to be

signed now."

"This important legislation would ensure all sexual assault survivors are treated with respect and dignity while working with law enforcement officials and are aware of services available to them following an assault," stated Senator Phillips. "I was proud to support this measure when it came before the Senate and ask the Governor to sign the bill, which was unanimously passed by both houses of the State Legislature, into law now."

Senator Serino said, "No one should ever have to suffer in silence. The Sexual Assault Survivor Bill of Rights is a critical tool that we know will empower survivors and could potentially help take abusers off the streets. With everything going on today to help raise awareness and encourage victims to speak out, this bill should be signed into law as soon as possible and I encourage the Governor to make it an immediate priority."

"The Sexual Assault Survivor Bill of Rights must be signed immediately by Governor Cuomo to make sure survivors know their rights and have access to information they need as they pursue justice, said Senator Marcellino. "Helping survivors should not wait another day. Let's build on the critical bipartisan work we've done and show that New York is a true leader in protecting, advocating, and bringing resources and justice to sexual assault survivors."

Senator Jacobs added, "In too many cases, victims of sexual assault have waited too long for justice and have suffered more because of gaps in the service delivery system. The provisions of the Sexual Assault Survivor Bill of Rights will ensure better treatment services and greater protections of evidence critical to successful prosecutions. This bill should be signed by the Governor immediately."

While the bill was unanimously passed by both houses in June, legislative protocols require

the Assembly to provide this bill to the Governor for his signature, which has not yet been done despite the compelling need. The Senators are joining sexual assault survivor advocates including Amanda Nguyen, President and Founder of Rise, in urging the bill's immediate enactment to reduce any other potential delays.

A sexual assault survivor, Nguyen was raped in 2014 and submitted evidence of the crime to the state of Massachusetts through a rape kit. Soon after, she was notified by the state that the kit could be destroyed in as little as six months unless she filed an extension. Fearful that her evidence would be destroyed, Nguyen had to track down her kit every six months through a labyrinth of red tape and file an extension. Through her ordeals, Nguyen became determined to see that women would not be further traumatized as they sought seeking justice.

The Bill of Rights was one of several successful priorities advocated for by the Senate this year and already enacted. It began with a bipartisan press conference and legislative push in February to pass a package of measures that were later incorporated into the 2018-19 state budget. The budget included new requirements to ensure untested rape kits are stored for 20 years, and that rape survivors are not subjected to any payments for a rape examination or hospital visit. Additionally, it advocated funding increases to support Rape Crisis Centers to train more sexual assault forensic examiners; created a new initiative that establishes a Sexual Assault Forensic Examiner (SAFE) telehealth pilot program to make sure all hospitals have the supports they need to best care for survivors, and created new penalties for the act of sexual coercion, or "sextortion," to prevent sex-related crimes and protect victims from extortion.

Senator Murphy said, "Sexual assault victims should not be re-victimized by being told they have pay for their own exams. We have seen an increase in the number of women being

preyed upon through sexual extortion. Through this legislation, we have the means to bring perpetrators of this despicable act to justice. 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."