

Fact Sheet:
**Timeline of Legislation and Events around Acute care for
Survivors of Sexual Assault in NYC and NYS**

City

- **Emergency Contraception**

2003 Local Law No. 25

Law enacted requiring pharmacies in New York City to post signs regarding the sale of emergency contraception.¹

2003 Local Law No. 26

Law states that New York City will only contract with hospitals that provide emergency contraception to rape victims when medically appropriate, and requires hospitals to provide victims with information about emergency contraception.²

- **Discrimination**

2003 Local Law No. 75

Created to eliminate and prevent employment and housing discrimination for victims of domestic violence, sex offenses and stalking.³

- **Sexual Assault Response Team**

2004 Mayor Bloomberg announced a pilot program for the first Sexual Assault Response Team (SART) that will provide forensic and counseling services to rape victims within one hour of arrival at public hospitals in the Bronx.⁴

2006 Mayor Bloomberg expanded the SART program to hospitals in Manhattan, Brooklyn, and Queens, based on the success of the program in the Bronx.⁵

State

- **DNA**

1994 DNA Databank

Legislation enacted which authorized the collection of DNA samples from all persons convicted certain felonies including murder, assault, and sex offenses in New York State.⁶

2006 DNA Databank Expansion

Legislation passed in order to expand the DNA databank to roughly triple its size. The criminal DNA database will encompass all persons convicted of felonies and 18 key misdemeanors.⁷

2006 Eliminating Statute Of Limitations for Sexual Assault Crimes

Eliminated the statute of limitations for the prosecution of, or civil claim against an action relating to rape in the first degree, criminal sexual act in the first degree, aggravated sexual abuse in the first degree and course of sexual conduct against a child in the first degree.⁸

- **Crime Victim's Board**

1966 Crime Victim's Board Compensation Established

The New York State Crime Victims Board was created under Article 22 of the Executive Law to compensate innocent victims of crime for unreimbursed out of pocket expenses. The board provides substantial financial relief to victims of crime and their families by paying crime-related expenses.⁹

2003 Forensic Payment Act, Executive Law 631.13

Crime Victims Board begins reimbursing service care providers for sexual assault exams. Previously, sexual assault victims were required to pay for their own exam.¹⁰

- **HIV**

2005 The New York State Department of Health AIDS Institute (NYSDOH AI) published guidelines that address HIV post-exposure prophylaxis (PEP) following sexual assault. NYSDOH recommends that survivors of sexual assault be treated in an emergency department or equivalent healthcare setting where all appropriate medical resources are available as needed.¹¹

- **Division of Criminal Justice Services (DCJS)**

1993 DCJS developed the Sexual Offense Evidence Collection (SOEC) kit to create a standard protocol for hospital personnel to follow in the collection of evidence from persons involved in any criminal incident involving a sexual offense. It was established through the cooperative efforts of the State Crime Laboratories, the Division of Criminal Justice Services, the State Police and the Department of Health.¹²

2003 DCJS released a new Drug Facilitated Sexual Assault (DFSA) evidence collection kit to be used in conjunction with the Sexual Offense Evidence Collection kit in cases where it is suspected that drugs were used to facilitate the assault.¹³

- **The New York State Department of Health**

1994 Public Health Law, section 206(15) Title 10, Subpart 69-5
Established approval guidelines for rape crisis programs for the purpose of rape crisis counselor certification.¹⁴

2004 The DOH developed Protocol for the Acute Care of the Adult Patient Reporting Sexual Assault.¹⁵

2005 NYS Public Health Law; Section 2805
Instituted guidelines for treatment of sexual offense patients, emergency treatment of rape survivors, and maintenance of evidence in a sexual offense, and establishment of hospital-based SAFE Programs.¹⁶

- **Other Key Legislation**

1975 New York Rape Shield Law, Criminal Procedure Code 60.42
Provided for a general rule prohibiting evidence of a victim's prior sexual conduct with exceptions in certain cases. The statute also provides some procedural protections for the victim and a right to be heard in the proceedings.

1989 Interviewing in Private Settings, Executive Law Amendment, Article 23, Section 642.2-a
Requires police departments and district attorneys' offices to provide private settings for interviewing victims of sex offenses.¹⁷

1991 Rape Crisis Center Notification, Executive Law Amendment, Article 23, Section 641.1
Requires police departments to provide victims of sex offenses with written notice of the name, address and telephone number of the nearest rape crisis center.¹⁸

1993 Rape Crisis Counselors' Confidentiality, Civil Practice Law and Rules, Article 45, Section 4510
Establishes confidentiality privileges for rape crisis counselors.¹⁹

2001 Sexual Assault Reform Act (SARA)
First comprehensive reform to Article 130, the article in the penal law defining sex crimes, since the current penal law was adopted in 1965. The law defines what constitutes lack of consent and sexual assault.²⁰

2003 Sexual Assault Reform Act Amendments
A new provision to SARA required hospitals that treat rape victims to provide information on emergency contraception. If the victim requests it, the hospital must provide EC.²¹

Federal

1994 Violence Against Women Act (VAWA)

Passed under the larger Omnibus Crime Control Act, this multi-faceted statute addressed the inequality that women victims of violence encounter in state justice systems. The statute provided funding to states for criminal law enforcement against perpetrators of violence, and for a variety of other services for victims of sexual assault.²²

2000 DNA Analysis Backlog Elimination Act, H.R. 4640

Authorized the appropriation of \$170 million over fiscal years 2001 through 2004 for grants to states to increase their capability to perform DNA analyses and mandates the collect of DNA samples of violent and sexual offenders.²³

2004 Justice for All Act, Public Law 108-405

Act created to protect crime victims' rights, eliminate the substantial backlog of DNA samples collected from crime scenes and convicted offenders, and improve and expand the DNA testing capacity of federal, state, and local crime laboratories.²⁴

2005 Violence Against Women and Department of Justice Reauthorization Act, H.R. 3402

Enacted to provide grants to enhance judicial and law enforcement tools to combat violence against women, and improve services for victims of domestic violence, sexual assault, and stalking.²⁵

¹ The New York City Council. (2006) *Current Local Laws*. Retrieved September 29, 2006 from http://www.nycouncil.info/pdf_files/bills/law03025.pdf

² The New York City Council. (2006) *Current Local Laws*. Retrieved September 29, 2006 from http://www.nycouncil.info/pdf_files/bills/law03026.pdf

³ The New York City Council. (2006) *Current Local Laws*. Retrieved September 29, 2006 from http://www.nycouncil.info/pdf_files/bills/law03075.pdf

⁴ NYC.gov. (2004) *News from the Blue Room*. Retrieved September 20, 2006 from http://www.nyc.gov/portal/site/nycgov/menuitem.c0935b9a57bb4ef3daf2f1c701c789a0/index.jsp?pagelD=mayor_press_release&catID=1194&doc_name=http%3A%2F%2Fwww.nyc.gov%2Fhtml%2Fom%2Fhtml%2F2004a%2Fpr039-04.html&cc=unused1978&rc=1194&ndi=1

⁵ The National Center on Domestic and Sexual Violence. (2006) *For Immediate Release*. Retrieved on September 20, 2006 from <http://www.ncdsv.org/images/MayorBloombergAnnouncesExpansionSART.pdf>

⁶ The New York State Division of State Police. (2006) *Forensic Science*. Retrieved October 5, 2006 from http://www.troopers.state.ny.us/Forensic_Science/DNA/

⁷ New York State Assembly. (2006) *Press Releases*. Retrieved on October 5, 2006 from <http://assembly.state.ny.us/Press/20060623/>

⁸ New York State Assembly. (2006) *New York State Bill Search*. Retrieved on October 5, 2006 from <http://assembly.state.ny.us/leg/?bn=A12012>

⁹ The New York State Crime Victims Board. (2006) *Victim Support Services*. Retrieved on October 12, 2006 from <http://www.cvb.state.ny.us/services.htm>

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- ¹⁰ The New York City Alliance Against Sexual Assault. (2005) *New York State Laws*. Retrieved on October 5, 2006 from http://www.nycagainstrape.org/survivors_legal.html
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- ¹³ The New York State Division of Criminal Justice Services. (2005). *Sexual Assault*. Retrieved on October 12, 2006 from <http://criminaljustice.state.ny.us/ofpa/evidencekit.htm>
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- ¹⁶ http://www.nyhealth.gov/professionals/protocols_and_guidelines/sexual_assault/docs/protocol_appendix_a.pdf
- ¹⁷ Office of New York State Attorney General Elliot Spitzer. (2006). *OAG Reference Guides*. Retrieved November 6, 2006 from <http://www.oag.state.ny.us/crime/CrimeVictimsLegislationTL.html>
- ¹⁸ Office of New York State Attorney General Elliot Spitzer. (2006). *OAG Reference Guides*. Retrieved November 6, 2006 from <http://www.oag.state.ny.us/crime/CrimeVictimsLegislationTL.html>
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