



2018 New York State YMCA  
Youth And Government

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Committee Assignment: Assembly Liberty 5

Bill #: AL-36

1 **Sponsors:** Roma Carbone, Kiera Higgins, Megan Latas, Kelly Lozy-Lester

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3 **AN ACT TO:** New York Consolidated Laws, Public Health Law - PBH § 2805-i. to  
4 require all nurses to be trained on how to use a rape kit.

5 *The People of the State of New York represented in the Senate and*  
6 *Assembly, do act as follows:*

7 **PURPOSE:** To make the handling of rape cases more efficient and readily prepared  
8 by training all nurses in a hospital setting on how to use a rape kit.

9 **SUMMARY OF PROVISIONS:**

10 Section 1: Definitions

11 Rape: penetration, no matter how slight, of the vagina or anus with any body part  
12 or object, or oral penetration by a sex organ of another person, without the consent  
13 of the victim.

14 Rape kit: a container that includes a checklist, materials, and instructions, along  
15 with envelopes and containers to package any specimens collected during the  
16 exam. May also be referred to as a Sexual Assault Evidence Kit. The contents of the  
17 kit vary by state and jurisdiction and may include: Bags and paper sheets for  
18 evidence collection, Comb, Documentation forms, Envelopes, Instructions, Materials  
19 for blood samples, Swabs.

20 Section 2: Provisions

21 Section 2805 of the New York Public Health Law

22 §2805. 4. No hospital or treating practitioner shall be liable in civil damages for  
23 failing to comply with the requirements of subdivision one, two or three of this  
24 section or acting in good faith to provide treatment as provided in subdivision three  
25 of this section. 4-a. On and after April first, two thousand one, a hospital providing  
26 treatment to alleged victims of sexual offenses shall be eligible to receive from the  
27 division of criminal justice services, at no cost, sexual offense evidence collection  
28 kits. 4-b. (a) All nurses on site should be trained on to know how to use a rape kit  
29 to perform an examination on the victim in any situation at any time. (b) Rape kits  
30 shall be in all hospitals, victims shall not have to pay for them, and all staff shall be  
31 readily prepared to handle the situation.

32 **JUSTIFICATION:**

33 Currently in New York State, forensic nurses who have received special training to  
34 conduct sexual assault evidentiary exams are the only ones who know how to  
35 administer the kits. Our bill would require all nurses, rather than just specialized  
36 nurses, to be trained on how to administer a rape kit.

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38 **FISCAL IMPLICATIONS:**

39 The money would come from the state to pay the training required for nurses and  
40 paying the same nurses to be on call. The average hourly rate for a nurse is \$32.45  
41 per hour. Administering these tests will be part of the job that these professionals  
42 already do.

43 **EFFECTIVE DATE:**

44 This year will go into effect two years after passage.