S T A T E O F N E W Y O R K

1431

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. SKELOS -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to the statute of limitations in cases in which a DNA sample from a crime scene cannot be matched to an individual in the state DNA identification index

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (a) of subdivision 4 of section 30.10 of the criminal procedure law is amended to read as follows:

(a) Any period following the commission of the offense during which (i) the defendant was continuously outside this state or (ii) the whereabouts of the defendant were continuously unknown and continuously unascertainable by the exercise of reasonable diligence OR (III) THE IDENTITY OF THE DEFENDANT WAS CONTINUOUSLY UNKNOWN AND A DEOXYRIBONUCLEIC ACID (DNA) RECORD OF THE DEFENDANTS GENETIC CODE, OBTAINED BY FORENSIC DNA TESTING OF EVIDENCE LOCATED AT A TIME OR PLACE RELEVANT TO THE COMMISSION OF THE OFFENSE, COULD NOT BE MATCHED TO AN INDIVIDUAL IDENTIFIED BY DNA RECORDS CONTAINED IN THE STATE DNA IDENTIFICATION INDEX BY THE EXERCISE OF REASONABLE DILIGENCE. However, in no event shall the period of limitation be extended PURSUANT TO THE PROVISIONS OF SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH by more than five years beyond the period otherwise applicable under subdivision two.

S 2. This act shall take effect immediately; provided, however, that the amendment to paragraph (a) of subdivision 4 of section 30.10 of the criminal procedure law made by section one of this act shall apply to offenses where the applicable period of limitation, including any extension of such period of limitation pursuant to law in effect before such effective date, has not expired on such effective date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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