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

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1431

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013
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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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1   Section 1. Paragraph (a) of subdivision 4 of section 30.10 of the
2 criminal procedure law is amended to read as follows:
3   (a) Any period following the commission of the offense during which
4 (i) the defendant was continuously outside this state or (ii) the where-
5 abouts of the defendant were continuously unknown and continuously unas-
6 certainable by the exercise of reasonable diligence OR (III) THE IDENTI-
7 TY OF THE DEFENDANT WAS CONTINUOUSLY UNKNOWN AND A DEOXYRIBONUCLEIC ACID
8 (DNA) RECORD OF THE DEFENDANTS GENETIC CODE, OBTAINED BY FORENSIC DNA
9 TESTING OF EVIDENCE LOCATED AT A TIME OR PLACE RELEVANT TO THE COMMIS-
10 SION OF THE OFFENSE, COULD NOT BE MATCHED TO AN INDIVIDUAL IDENTIFIED BY
11 DNA RECORDS CONTAINED IN THE STATE DNA IDENTIFICATION INDEX BY THE EXER-
12 CISE OF REASONABLE DILIGENCE. However, in no event shall the period of
13 limitation be extended PURSUANT TO THE PROVISIONS OF SUBPARAGRAPHS (I)
14 AND (II) OF THIS PARAGRAPH by more than five years beyond the period
15 otherwise applicable under subdivision two.
16   S 2.   This act shall take effect immediately; provided, however, that
17 the amendment to paragraph (a) of subdivision 4 of section 30.10 of the
18 criminal procedure law made by section one of this act shall apply to
19 offenses where the applicable period of limitation, including any exten-
20 sion of such period of limitation pursuant to law in effect before such
21 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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