

3667

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. AUBRY -- Multi-Sponsored by -- M. of A.
BROOK-KRASNY, COOK, GOTTFRIED, JEFFRIES, NOLAN -- read once and
referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing certain
persons shall not be required to pay a DNA databank fee for the
conviction of a subsequent designated offense

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

1 Section 1. Subparagraph (v) of paragraph (a) of subdivision 1 of
2 section 60.35 of the penal law, as amended by section 1 of part E of
3 chapter 56 of the laws of 2004, is amended to read as follows:
4 (v) a person convicted of a designated offense as defined by subdivi-
5 sion seven of section nine hundred ninety-five of the executive law
6 shall, in addition to a mandatory surcharge and crime victim assistance
7 fee, pay a DNA databank fee of fifty dollars, PROVIDED HOWEVER THAT NO
8 PERSON WHO HAS PREVIOUSLY PROVIDED A DNA SAMPLE PURSUANT TO SECTION NINE
9 HUNDRED NINETY-FIVE-C OF THE EXECUTIVE LAW SHALL BE REQUIRED TO PAY A
10 DNA DATABANK FEE FOR THE CONVICTION OF A SUBSEQUENT DESIGNATED OFFENSE
11 UNLESS SUCH SAMPLE HAS BEEN EXPUNGED PURSUANT TO PARAGRAPH (A) OF SUBDI-
12 VISION NINE OF SECTION NINE HUNDRED NINETY-FIVE-C OF THE EXECUTIVE LAW.
13 S 2. This act shall take effect immediately.

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

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