

5209

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. LENTOL -- read once and referred to the Committee
on Codes

AN ACT to amend the executive law, in relation to establishing the minimum period of time that forensic samples should be retained by investigating authorities

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

1 Section 1. Subparagraph (ix) of paragraph (b) of subdivision 9 of
2 section 995-b of the executive law, as added by chapter 737 of the laws
3 of 1994, is amended and a new subparagraph (x) is added to read as
4 follows:
5 (ix) such policy shall provide for the mutual exchange, use and storage
6 of DNA records with the system of DNA identification utilized by the
7 federal bureau of investigation provided that the commission determines
8 that such exchange, use and storage are consistent with the provisions
9 of this article and applicable provisions of law[.]; AND
10 (X) SUCH POLICY, WHICH SHALL BE DEVELOPED AND PROMULGATED WITHIN ONE
11 YEAR OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH, SHALL DETERMINE,
12 CONSISTENT WITH THIS ARTICLE, THE APPROPRIATE MINIMUM PERIOD OF TIME
13 THAT FORENSIC SAMPLES OF BLOOD, TISSUE AND OTHER BIOLOGICAL MATERIAL,
14 OBTAINED IN CONNECTION WITH THE FORENSIC EXAMINATION OF CRIME SCENES,
15 SHOULD BE RETAINED BY INVESTIGATING AUTHORITIES AND THE TIME OR SPECIFIED
16 EVENT OR EVENTS, IF ANY, AFTER WHICH, CONSISTENT WITH THE INTEREST
17 OF ALL PERSONS AND LAW ENFORCEMENT, SUCH SAMPLES MAY BE DESTROYED. PENDING
18 THE PROMULGATION OF A POLICY ADDRESSING THE ISSUES SET FORTH IN THIS
19 SUBPARAGRAPH, THE COMMISSION MAY ADOPT AN INTERIM POLICY MANDATING THE
20 PRESERVATION BY INVESTIGATING AUTHORITIES OF FORENSIC SAMPLES OF BLOOD,
21 TISSUE AND OTHER BIOLOGICAL MATERIAL OBTAINED IN CONNECTION WITH THE
22 FORENSIC EXAMINATION OF CRIME SCENES.
23 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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