

3111

2009-2010 Regular Sessions

I N   S E N A T E

March 11, 2009

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

AN ACT to amend the executive law, in relation to including the conviction of any offense which requires the taking of fingerprints upon arrest, within the definition of "designated offender" for purposes of the state DNA identification index

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

1     Section 1. Paragraph (f) of subdivision 7 of section 995 of the execu-  
2     tive law, as amended by chapter 2 of the laws of 2006, is amended and a  
3     new paragraph (g) is added to read as follows:  
4     (f) any of the following misdemeanors: assault in the third degree as  
5     defined in section 120.00 of the penal law; attempted aggravated assault  
6     upon a person less than eleven years old, as defined in section 110.00  
7     and section 120.12 of the penal law; attempted menacing in the first  
8     degree, as defined in section 110.00 and section 120.13 of the penal  
9     law; menacing in the second degree as defined in section 120.14 of the  
10    penal law; menacing in the third degree as defined in section 120.15 of  
11    the penal law; reckless endangerment in the second degree as defined in  
12    section 120.20 of the penal law; stalking in the fourth degree as  
13    defined in section 120.45 of the penal law; stalking in the third degree  
14    as defined in section 120.50 of the penal law; attempted stalking in the  
15    second degree, as defined in section 110.00 and section 120.55 of the  
16    penal law; forcible touching as defined in section 130.52 of the penal  
17    law regardless of the age of the victim; sexual abuse in the third  
18    degree as defined in section 130.55 of the penal law regardless of the  
19    age of the victim; unlawful imprisonment in the second degree as defined  
20    in section 135.05 of the penal law regardless of the age of the victim;  
21    attempted unlawful imprisonment in the first degree, as defined in  
22    section 110.00 and section 135.10 of the penal law regardless of the age  
23    of the victim; criminal trespass in the second degree as defined in

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

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1 section 140.15 of the penal law; possession of burglar's tools as  
2 defined in section 140.35 of the penal law; petit larceny as defined in  
3 section 155.25 of the penal law; endangering the welfare of a child as  
4 defined in section 260.10 of the penal law; endangering the welfare of  
5 an incompetent or physically disabled person as defined in section  
6 260.25; OR (G) ANY OTHER OFFENSE FOR WHICH THE FINGERPRINTS OF THE  
7 DEFENDANT OR ARRESTED PERSON ARE REQUIRED TO BE TAKEN PURSUANT TO SUBDI-  
8 VISION ONE OF SECTION 160.10 OF THE CRIMINAL PROCEDURE LAW.  
9 S 2. This act shall take effect immediately; provided, that paragraph  
10 (g) of subdivision 7 of section 995 of the executive law, as added by  
11 section one of this act, shall apply to designated offenses committed on  
12 or after such effective date, as well as to designated offenses commit-  
13 ted prior to such effective date, where service of the sentence imposed  
14 upon conviction of such designated offense has not been completed prior  
15 to such effective date.