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

1418

2011-2012 Regular Sessions

I N A S S E M B L Y

January 7, 2011

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:

Section 1. Subparagraph (ix) of paragraph (b) of subdivision 9 of section 995-b of the executive law, as added by chapter 737 of the laws of 1994, is amended and a new subparagraph (x) is added to read as follows:

(ix) such policy shall provide for the mutual exchange, use and storage of DNA records with the system of DNA identification utilized by the federal bureau of investigation provided that the commission determines that such exchange, use and storage are consistent with the provisions of this article and applicable provisions of law[.]; AND

(X) SUCH POLICY, WHICH SHALL BE DEVELOPED AND PROMULGATED WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SUBPARAGRAPH, SHALL DETERMINE, CONSISTENT WITH THIS ARTICLE, THE APPROPRIATE MINIMUM PERIOD OF TIME THAT FORENSIC SAMPLES OF BLOOD, TISSUE AND OTHER BIOLOGICAL MATERIAL, OBTAINED IN CONNECTION WITH THE FORENSIC EXAMINATION OF CRIME SCENES, SHOULD BE RETAINED BY INVESTIGATING AUTHORITIES AND THE TIME OR SPECIFIED EVENT OR EVENTS, IF ANY, AFTER WHICH, CONSISTENT WITH THE INTEREST OF ALL PERSONS AND LAW ENFORCEMENT, SUCH SAMPLES MAY BE DESTROYED. PENDING THE PROMULGATION OF A POLICY ADDRESSING THE ISSUES SET FORTH IN THIS SUBPARAGRAPH, THE COMMISSION MAY ADOPT AN INTERIM POLICY MANDATING THE PRESERVATION BY INVESTIGATING AUTHORITIES OF FORENSIC SAMPLES OF BLOOD, TISSUE AND OTHER BIOLOGICAL MATERIAL OBTAINED IN CONNECTION WITH THE FORENSIC EXAMINATION OF CRIME SCENES.

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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