

4436

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 3, 2011

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Introduced by M. of A. AUBRY -- Multi-Sponsored by -- M. of A.  
BROOK-KRASNY, COOK, GOTTFRIED, JEFFRIES -- 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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