

2002

2011-2012 Regular Sessions

I N S E N A T E

January 14, 2011

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 405 of the laws of 2010, is amended and
3 a 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; criminal obstruction of breathing or blood circulation as
17 defined in section 121.11 of the penal law; forcible touching as defined
18 in section 130.52 of the penal law regardless of the age of the victim;
19 sexual abuse in the third degree as defined in section 130.55 of the
20 penal law regardless of the age of the victim; unlawful imprisonment in
21 the second degree as defined in section 135.05 of the penal law regard-
22 less of the age of the victim; attempted unlawful imprisonment in the
23 first degree, as defined in section 110.00 and section 135.10 of the

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

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1 penal law regardless of the age of the victim; criminal trespass in the
2 second degree as defined in section 140.15 of the penal law; possession
3 of burglar's tools as defined in section 140.35 of the penal law; petit
4 larceny as defined in section 155.25 of the penal law; endangering the
5 welfare of a child as defined in section 260.10 of the penal law; endan-
6 gering the welfare of an incompetent or physically disabled person as
7 defined in section 260.25 of the penal law; OR (G) ANY OTHER OFFENSE FOR
8 WHICH THE FINGERPRINTS OF THE DEFENDANT OR ARRESTED PERSON ARE REQUIRED
9 TO BE TAKEN PURSUANT TO SUBDIVISION ONE OF SECTION 160.10 OF THE CRIMI-
10 NAL PROCEDURE LAW.

11 S 2. This act shall take effect immediately; provided, that paragraph
12 (g) of subdivision 7 of section 995 of the executive law, as added by
13 section one of this act, shall apply to designated offenses committed on
14 or after such effective date, as well as to designated offenses commit-
15 ted prior to such effective date, where service of the sentence imposed
16 upon conviction of such designated offense has not been completed prior
17 to such effective date.