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

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:

Section 1. Paragraph (f) of subdivision 7 of section 995 of the executive law, as amended by chapter 405 of the laws of 2010, is amended and a new paragraph (g) is added to read as follows:

(f) any of the following misdemeanors: assault in the third degree as defined in section 120.00 of the penal law; attempted aggravated assault upon a person less than eleven years old, as defined in section 110.00 and section 120.12 of the penal law; attempted menacing in the first degree, as defined in section 110.00 and section 120.13 of the penal law; menacing in the second degree as defined in section 120.14 of the penal law; menacing in the third degree as defined in section 120.15 of the penal law; reckless endangerment in the second degree as defined in section 120.20 of the penal law; stalking in the fourth degree as defined in section 120.45 of the penal law; stalking in the third degree as defined in section 120.50 of the penal law; attempted stalking in the second degree, as defined in section 110.00 and section 120.55 of the penal law; criminal obstruction of breathing or blood circulation as defined in section 121.11 of the penal law; forcible touching as defined in section 130.52 of the penal law regardless of the age of the victim; sexual abuse in the third degree as defined in section 130.55 of the penal law regardless of the age of the victim; unlawful imprisonment in the second degree as defined in section 135.05 of the penal law regardless of the age of the victim; attempted unlawful imprisonment in the 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.

LBD06222-01-1

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

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