

2170

2015-2016 Regular Sessions

I N S E N A T E

January 21, 2015

Introduced by Sen. CARLUCCI -- 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 the classification procedure and use of DNA samples to identify unidentified dead and missing persons

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

1 Section 1. Subdivision 1 of section 838 of the executive law, as added
2 by chapter 670 of the laws of 1982, is amended to read as follows:
3 1. Every county medical examiner and coroner shall furnish the divi-
4 sion promptly with copies of fingerprints on standardized eight inch by
5 eight inch fingerprint cards, SHALL FURNISH THE NEW YORK STATE POLICE
6 FORENSIC LABORATORY PROMPTLY WITH DNA SAMPLES OF DECEASED PERSONS OR
7 UNIDENTIFIED BODY PARTS, FOR THE PURPOSE OF CLASSIFICATION, WHICH
8 SAMPLES SHALL THEN BE FORWARDED BY THE STATE POLICE FORENSIC LABORATORY
9 TO THE DIVISION FOR THE PURPOSE OF COMPARISON AND FILING, AND SHALL
10 FURNISH THE DIVISION PROMPTLY WITH personal descriptions and other iden-
11 tifying data, including date and place of death, of all deceased persons
12 whose deaths are in a classification requiring inquiry by the coroner
13 where the deceased is not identified or the medical examiner or coroner
14 is not satisfied with the decedent's identification. THE DIVISION SHALL
15 FORWARD SUCH RECORDS REGARDING SUCH DECEASED PERSONS OR UNIDENTIFIED
16 BODY PARTS TO THE NATIONAL CRIME INFORMATION CENTER UPON SUCH CENTER
17 ADOPTING A POLICY TO ACCEPT SUCH RECORDS.
18 S 1-a. Subdivision 1 of section 838 of the executive law, as amended
19 by chapter 331 of the laws of 2014, is amended to read as follows:
20 1. Every county medical examiner and coroner shall furnish the divi-
21 sion promptly with copies of fingerprints on standardized eight inch by
22 eight inch fingerprint cards, SHALL FURNISH THE NEW YORK STATE POLICE
23 FORENSIC LABORATORY PROMPTLY WITH DNA SAMPLES OF DECEASED PERSONS OR
24 UNIDENTIFIED BODY PARTS, FOR THE PURPOSE OF CLASSIFICATION, WHICH

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

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1 SAMPLES SHALL THEN BE FORWARDED BY THE STATE POLICE FORENSIC LABORATORY
2 TO THE DIVISION FOR THE PURPOSE OF COMPARISON AND FILING, AND SHALL
3 FURNISH THE DIVISION PROMPTLY WITH personal descriptions and other iden-
4 tifying data, including date and place of death, of all deceased persons
5 whose deaths are in a classification requiring inquiry by the coroner
6 where the deceased is not identified or the medical examiner or coroner
7 is not satisfied with the decedent's identification. THE DIVISION SHALL
8 FORWARD SUCH RECORDS REGARDING SUCH DECEASED PERSONS OR UNIDENTIFIED
9 BODY PARTS TO THE NATIONAL CRIME INFORMATION CENTER UPON SUCH CENTER
10 ADOPTING A POLICY TO ACCEPT SUCH RECORDS. The division shall promptly
11 make available personal descriptions and other identifying data, includ-
12 ing date and place of death, of such deceased persons to all law
13 enforcement agencies in the state, and upon request, to law enforcement
14 agencies outside of the state.

15 S 2. Subdivision 4 of section 838 of the executive law, as added by
16 chapter 670 of the laws of 1982, is amended to read as follows:

17 4. The division shall compare the fingerprints AND DNA SAMPLES
18 received from the county medical examiners or coroners to fingerprints
19 AND DNA BAND PATTERNS on file with the division for purposes of attempt-
20 ing to determine the identity of the deceased. Other descriptive data
21 supplied with the fingerprints shall also be compared to records main-
22 tained by the division concerning missing persons. The division shall
23 submit the results of the comparisons to the appropriate medical examin-
24 er or coroner and if a tentative or positive identification is made, to
25 the law enforcement authority which submitted the report of the missing
26 person.

27 S 3. Section 995-d of the executive law is amended by adding a new
28 subdivision 3 to read as follows:

29 3. ALL RECORDS, FINDINGS, REPORTS AND RESULTS OF DNA TESTING PERFORMED
30 PURSUANT TO SUBDIVISION ONE OR FOUR OF SECTION EIGHT HUNDRED
31 THIRTY-EIGHT OF THIS CHAPTER SHALL BE SUBJECT TO THE PROVISIONS OF THIS
32 SECTION, AND SHALL BE TREATED IN A MANNER CONSISTENT WITH SUBDIVISIONS
33 FIVE, SIX, SEVEN AND EIGHT OF SECTION NINE HUNDRED NINETY-FIVE-C OF THIS
34 ARTICLE.

35 S 4. This act shall take effect on the first of the calendar month
36 next succeeding the sixtieth day after it shall have become a law;
37 provided, however, that the amendments to subdivision 1 of section 838
38 of the executive law made by section one-a of this act shall take effect
39 on the same date and in the same manner as section 2 of chapter 331 of
40 the laws of 2014, takes effect.