

STATE OF NEW YORK

8664

IN SENATE

May 10, 2018

Introduced by Sen. BOYLE -- 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 establishing the New York state online genealogy website search policy and relates to the release of certain information

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 13 of section 995-b of the executive law is
2 amended by adding a new paragraph (e) to read as follows:

3 (e) (i) The DNA subcommittee shall provide nonbinding recommendations
4 for a New York state online genealogy website search policy. The online
5 genealogy website search policy shall include, but not be limited to,
6 assessing and evaluating the accuracy of using online genealogy
7 websites, providing recommendations on the parameters for using online
8 genealogy websites, creating procedures for when online genealogy
9 websites should and should not be used, and determining the expected
10 fiscal implications of conducting online genealogy searches in New York
11 state.

12 (ii) For the accomplishment of its purposes, the DNA subcommittee
13 shall be authorized and empowered to undertake any studies, inquiries,
14 surveys or analyses it may deem relevant through its own personnel or in
15 cooperation with or by agreement with any other public or private agen-
16 cy.

17 (iii) The DNA subcommittee shall meet and hold public hearings or
18 private meetings and shall have all the powers of a legislative commit-
19 tee pursuant to the legislative law.

20 (iv) The commission shall make a report of the DNA subcommittees find-
21 ings, including any recommendations for legislative action as it may
22 deem necessary and appropriate, to the governor and the legislature no
23 later than December first, two thousand eighteen.

24 (v) For purposes of this paragraph "online genealogy search" shall
25 mean an intentional or deliberate search of the DNA database using an
26 online genealogy website conducted for the purpose of potentially iden-

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

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1 tifying close biological relatives of the unknown forensic samples asso-
2 ciated with the crime scene profile.

3 § 2. Subdivision 6 of section 995-c of the executive law is amended by
4 adding a new paragraph (d) to read as follows:

5 (d) (i) to a federal law enforcement agency, or to a state or local
6 law enforcement agency or district attorney's office for law enforcement
7 online genealogy searching purposes upon submission of a DNA record in
8 connection with the investigation of the commission of one or more
9 crimes, provided that there exists between the division and such agency
10 a written agreement governing the use and dissemination of such DNA
11 records in accordance with the provisions of this article;

12 (ii) online genealogy searches may be conducted when a law enforcement
13 agency is investigating the commission of a violent felony offense as
14 defined in section 70.02 of the penal law, and where there is no match
15 of a single source DNA profile from the crime scene, and where all other
16 leads have been exhausted.

17 (iii) The commission, in conjunction with the DNA subcommittee, shall
18 create a New York state online genealogy website search policy to imple-
19 ment using online genealogy searching in the state of New York. The DNA
20 subcommittee report, as authorized in paragraph (e) of subdivision thir-
21 teen of section nine hundred ninety-five-b of this article, may provide
22 additional guidelines and recommendations for the New York state online
23 genealogy website search policy.

24 § 3. This act shall take effect on the one hundred eightieth day after
25 it shall have become a law. Effective immediately, the addition, amend-
26 ment and/or repeal of any rule or regulation necessary for the implemen-
27 tation of this act on its effective date are authorized to be made and
28 completed on or before such effective date.