

STATE OF NEW YORK

703

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

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 nineteen.

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

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1 (v) For purposes of this paragraph "online genealogy search" shall
2 mean an intentional or deliberate search of the DNA database using an
3 online genealogy website conducted for the purpose of potentially iden-
4 tifying close biological relatives of the unknown forensic samples asso-
5 ciated with the crime scene profile.

6 § 2. Paragraph (c) of subdivision 6 of section 995-c of the executive
7 law, as added by chapter 737 of the laws of 1994, is amended and a new
8 paragraph (d) is added to read as follows:

9 (c) after personally identifiable information has been removed by the
10 division, to an entity authorized by the division for the purpose of
11 creating or maintaining a population statistics database or for iden-
12 tification research and protocol development for forensic DNA analysis
13 or quality control purposes[~~+~~];

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

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

26 (iii) The commission, in conjunction with the DNA subcommittee, shall
27 create a New York state online genealogy website search policy to imple-
28 ment using online genealogy searching in the state of New York. The DNA
29 subcommittee report, as authorized in paragraph (e) of subdivision thir-
30 teen of section nine hundred ninety-five-b of this article, may provide
31 additional guidelines and recommendations for the New York state online
32 genealogy website search policy.

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