# STATE OF NEW YORK

2608

2021-2022 Regular Sessions

# IN ASSEMBLY

January 19, 2021

Introduced by M. of A. LAVINE, ABINANTI, GRIFFIN, COLTON -- Multi-Sponsored by -- M. of A. GALEF -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to the comparison of fingerprints

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

Section 1. Section 440.30 of the criminal procedure law is amended by adding a new subdivision 1-b to read as follows:

**1-b. In response to a motion under this section, the court may order the division of criminal justice services to compare a fingerprint obtained in connection with the investigation or prosecution of the defendant against the statewide automated fingerprint identification system, or its successor system, and the national integrated automated fingerprint identification system, or its successor system, upon the court's determination that (1) such fingerprint complies with federal bureau of investigation or state requirements, whichever are applicable and as such requirements are applied to law enforcement agencies seeking such a comparison and (2) if such comparison had been conducted, and if the results had been admitted in the trial resulting in the judgment, a reasonable probability exists that the verdict would have been more favorable to the defendant, or in a case involving a plea of guilty, if the results had been available to the defendant prior to the plea, a reasonable probability exists that the conviction would not have resulted.**

§ 2. This act shall take effect immediately.

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

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