STATE OF NEW YORK

6130--A

2021-2022 Regular Sessions

IN SENATE

April 12, 2021

Introduced by Sen. BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Internet and Technology -- recommitted to the Committee on Internet and Technology in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

(iii) The DNA subcommittee shall meet and hold public hearings or private meetings and shall have all the powers of a legislative committee pursuant to the legislative law.

(iv) The commission shall make a report of the DNA subcommittees findings, including any recommendations for legislative action as it may

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

LBD10616-02-2

deem necessary and appropriate, to the governor and the legislature no later than December first, two thousand twenty-two.

(v) For purposes of this paragraph "online genealogy search" shall mean an intentional or deliberate search of the DNA database using an online genealogy website conducted for the purpose of potentially identifying close biological relatives of the unknown forensic samples associated with the crime scene profile.

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

(c) after personally identifiable information has been removed by the division, to an entity authorized by the division for the purpose of creating or maintaining a population statistics database or for identification research and protocol development for forensic DNA analysis or quality control purposes[.];

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

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

(iii) The commission, in conjunction with the DNA subcommittee, shall create a New York state online genealogy website search policy to implement using online genealogy searching in the state of New York. The DNA subcommittee report, as authorized in paragraph (e) of subdivision thirteen of section nine hundred ninety-five-b of this article, may provide additional guidelines and recommendations for the New York state online genealogy website search policy.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.