

STATE OF NEW YORK

5095

2023-2024 Regular Sessions

IN ASSEMBLY

March 2, 2023

Introduced by M. of A. LAVINE, COLTON -- read once and referred to the
Committee on Codes

AN ACT to amend the criminal procedure law, in relation to the compar-
ison of fingerprints

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

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

3 1-b. In response to a motion under this section, the court may order
4 the division of criminal justice services to compare a fingerprint
5 obtained in connection with the investigation or prosecution of the
6 defendant against the statewide automated fingerprint identification
7 system, or its successor system, and the national integrated automated
8 fingerprint identification system, or its successor system, upon the
9 court's determination that (1) such fingerprint complies with federal
10 bureau of investigation or state requirements, whichever are applicable
11 and as such requirements are applied to law enforcement agencies seeking
12 such a comparison and (2) if such comparison had been conducted, and if
13 the results had been admitted in the trial resulting in the judgment, a
14 reasonable probability exists that the verdict would have been more
15 favorable to the defendant, or in a case involving a plea of guilty, if
16 the results had been available to the defendant prior to the plea, a
17 reasonable probability exists that the conviction would not have
18 resulted.

19 § 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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