

# STATE OF NEW YORK

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734

2023-2024 Regular Sessions

## IN ASSEMBLY

January 11, 2023

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

AN ACT to amend the penal law, in relation to establishing certain persons shall not be required to pay a DNA databank fee for the conviction of a subsequent designated offense

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

1 Section 1. Subparagraph (v) of paragraph (a) of subdivision 1 of  
2 section 60.35 of the penal law, as amended by section 1 of part E of  
3 chapter 56 of the laws of 2004, is amended to read as follows:

4 (v) a person convicted of a designated offense as defined by subdivi-  
5 sion seven of section nine hundred ninety-five of the executive law  
6 shall, in addition to a mandatory surcharge and crime victim assistance  
7 fee, pay a DNA databank fee of fifty dollars, provided however that no  
8 person who has previously provided a DNA sample pursuant to section nine  
9 hundred ninety-five-c of the executive law shall be required to pay a  
10 DNA databank fee for the conviction of a subsequent designated offense  
11 unless such sample has been expunged pursuant to paragraph (a) of subdi-  
12 vision nine of section nine hundred ninety-five-c of the executive law.

13 § 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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