STATE OF NEW YORK

734

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

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:

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

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

§ 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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