STATE OF NEW YORK

7734

2023-2024 Regular Sessions

IN SENATE

November 1, 2023

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law, in relation to the powers and duties of the commission on forensic science regarding familial DNA search regulations

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

Section 1. The opening paragraph of subdivision 9 and subdivision 12 of section 995-b of the executive law, as added by chapter 737 of the laws of 1994, are amended to read as follows:

After reviewing recommendations from the division of criminal justice services, the commission, in consultation with the DNA subcommittee, shall promulgate a policy for the establishment and operation of a DNA identification index consistent with the operational requirements and capabilities of the division of criminal justice services**, subject to the restrictions set forth in subdivision twelve of this section**. Such policy shall address the following issues:

12. Promulgate standards for a determination of a match between the DNA records contained in the state DNA identification index and a DNA record of a person submitted for comparison therewith**; provided, however, that such standards shall prohibit a familial DNA search**.

§ 2. Section 995-c of the executive law is amended by adding a new subdivision 10 to read as follows:

10. No search may be performed of the state DNA identification index for the purpose of identification of an offender in connection with a crime for which the offender may be a biological relative of the individual from whom the DNA sample was acquired.

§ 3. This act shall take effect immediately. Any rules, regulations, policies or procedures which are in conflict with the amendments made by this act are immediately nullified and void as against public policy.

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

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