

STATE OF NEW YORK

627--A

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. JACKSON, SIMON, DAVILA -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to requiring consent of a minor's parent, legal guardian or attorney for law enforcement collection of DNA from certain minors

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

1 Section 1. The executive law is amended by adding a new section 837-y
2 to read as follows:

3 § 837-y. Collection of DNA from certain minors. 1. No member of a
4 police department, county sheriff's office, the state police or other
5 law enforcement officer shall collect a DNA sample from a minor and/or
6 pick up a discarded sample prior to the lawful arrest of such minor
7 without first obtaining the written consent of such minor's parent,
8 legal guardian or attorney, except:

9 (a) Where the DNA sample is abandoned at the scene of an alleged crim-
10 inal offense and is not collected from the minor's person; or

11 (b) Where the DNA sample is collected from a minor who is alleged to
12 be the victim of a criminal offense.

13 2. Subdivision one of this section shall not be construed to prohibit
14 any lawful method of collecting a DNA sample from a minor pursuant to a
15 search warrant, other court order or provision of law that authorizes
16 the search of a minor for the purpose of collecting a DNA sample.

17 3. As used in this section, the following terms shall have the follow-
18 ing meanings:

19 (a) "DNA sample" means any amount of blood, saliva, hair or other
20 bodily material from which deoxyribonucleic acid can be extracted.

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

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1 (b) "Law enforcement officer" means any public servant who is author-
2 ized to conduct an investigation, prosecute or make an arrest for a
3 criminal offense.

4 (c) "Minor" means a natural person under the age of eighteen.

5 § 2. This act shall take effect on the ninetieth day after it shall
6 have become a law.