



Legislation Text

---

File #: Int 2105-2020, Version: A

---

Int. No. 2105-A

By Council Members Ayala, Kallos, Adams, Chin and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the police department from collecting DNA from a minor without consent from a parent, legal guardian or attorney

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-181 to read as follows:

§ 14-181 Consent required to collect the DNA of a minor. a. Definitions. For purposes of this section, the following terms have the following meanings:

DNA sample. The term “DNA sample” means any amount of blood, saliva, hair or other bodily material from which deoxyribonucleic acid can be extracted.

Minor. The term “minor” means a natural person under the age of 18.

b. No member of the department or other law enforcement officer shall collect a DNA sample from a minor without first obtaining the written consent of such minor’s parent, legal guardian or attorney, except:

1. Where the DNA sample is abandoned at the scene of an alleged criminal offense and is not collected from the minor’s person; or

2. Where the DNA sample is collected from a minor who is alleged to be the victim of a criminal offense; or

3. Where an officer has reasonable cause to believe the minor’s parent or legal guardian is a potential suspect, written consent must be obtained from the minor’s attorney prior to collection; or

4. Where the minor's parent or legal guardian is also the parent or legal guardian of the alleged victim, written consent must be obtained from the minor's attorney prior to collection; or

c. Subdivision b of this section shall not be construed to prohibit any lawful method of collecting a DNA sample from a minor pursuant to a search warrant, other court order or provision of law that specifically authorizes the search of a minor for the purpose of collecting a DNA sample.

§ 2. This local law takes effect 90 days after it becomes law, except that the police commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

NC  
LS #9688/9690  
11/18/20