



## Legislation Text

---

**File #:** Res 0019-2006, **Version:** \*

---

### Res. No. 19

Resolution calling upon the New York State Legislature to pass legislation requiring that all persons convicted of a felony or misdemeanor provide law enforcement with a DNA sample.

By Council Members Vallone, Jr., Fidler, Gennaro, Gentile, Koppell, Liu, Nelson and Oddo

Whereas, Current law specifies that a DNA sample may only be taken from certain designated offenders subsequent to a conviction and sentencing for certain violent felonies, including assault, homicide, sex offenses, attempted murder in the first degree, kidnapping in the first degree, arson in the first degree, burglary in the third degree, attempted burglary in the third degree, criminal possession of a controlled substance in the first degree, criminal possession of a controlled substance in the second degree, criminal sale of a controlled substance and grand larceny in the fourth degree; and

Whereas, DNA methods have advanced and enabled law enforcement to resolve old cases and convict the guilty; and

Whereas, According to the Innocence Project, a non-profit legal clinic and criminal justice resource center, as of January 2006, DNA evidence has led to the exoneration of over 170 people in our nation's prisons, many of whom were on death row; and

Whereas, DNA is particularly useful in investigating both past and future sex crimes, as a high rate of recidivism exists among sex offenders; and

Whereas, New York has made the DNA sampling process less invasive by amending its law to authorize the taking of DNA samples with a simple cotton swab inside the mouth; and

Whereas, DNA has proven to be infinitely more accurate than fingerprints because it can be matched to body tissue, hair, blood and other fluids or particles left at the scene of a crime; and

Whereas, Increasing the samples in a DNA database enhances the ability of law enforcement officials to solve crimes; and

Whereas, Legislation that requires those convicted of all felony and misdemeanor offenses to provide a DNA sample was advocated by Lisa Friel, Chief of the Sex Crimes Unit of the New York County District Attorney's Office, in her testimony before the New York City Council Committee on Public Safety on November 26, 2002; and

Whereas, According to Assistant District Attorney Friel, rapes in Manhattan and the other boroughs could have been prevented had a DNA sample been taken from a defendant for a previous misdemeanor offense; and

Whereas, In a 2002 study in Virginia, it was revealed that when DNA evidence that was collected at rape scenes was compared with all convicted felons in the state's DNA database, approximately 40% of the matches were from felons who were entered into the system because of a non-violent crime; and

Whereas, Many states have DNA collection laws that require persons convicted of all crimes to provide a DNA sample, and it is imperative that New York adopt this common sense law enforcement tool; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass legislation requiring that all persons convicted of a felony or misdemeanor provide law enforcement with a DNA sample.

TB  
Res. 83/2004