



Legislation Details (With Text)

File #: Int 0125-2024 **Version:** A **Name:** Prohibiting the police department from collecting DNA from a minor without consent from a parent, legal guardian or attorney.

Type: Introduction **Status:** Enacted
In control: Committee on Public Safety

On agenda: 2/28/2024

Enactment date: 1/29/2026 **Enactment #:** 2026/051

Title: 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

Sponsors: Diana I. Ayala, Lincoln Restler, Julie Won, Shahana K. Hanif, Crystal Hudson, Tiffany L. Cabán, Althea V. Stevens, Farah N. Louis, Carmen N. De La Rosa, Yusef Salaam, Jennifer Gutiérrez, Amanda C. Fariás, (by request of the Queens Borough President)

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Date	Ver.	Action By	Action	Result
2/28/2024	*	City Council	Introduced by Council	
2/28/2024	*	City Council	Referred to Comm by Council	
2/24/2025	*	Committee on Public Safety	Hearing Held by Committee	
2/24/2025	*	Committee on Public Safety	Laid Over by Committee	
12/18/2025	*	Committee on Public Safety	Hearing Held by Committee	
12/18/2025	*	Committee on Public Safety	Amendment Proposed by Comm	
12/18/2025	*	Committee on Public Safety	Amended by Committee	
12/18/2025	A	Committee on Public Safety	Approved by Committee	Pass
12/18/2025	A	City Council	Approved by Council	Pass
12/18/2025	A	City Council	Sent to Mayor by Council	
12/31/2025	A	Mayor	Vetoed by Mayor	
1/29/2026	A	Committee on Public Safety	Hearing Held by Committee	
1/29/2026	A	Committee on Public Safety	Approved by Committee	Pass
1/29/2026	A	City Council	Overridden by Council	Pass

Int. No. 125-A

By Council Members Ayala, Restler, Won, Hanif, Hudson, Cabán, Stevens, Louis, De La Rosa, Salaam, Gutiérrez and Farías (by request of the Queens Borough President)

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 14-199.1 to read as follows:

§ 14-199.1 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.

Law enforcement officer. The term “law enforcement officer” means (i) a peace officer or police officer as defined in the criminal procedure law who is employed by the city of New York, or (ii) a special patrolman appointed by the police commissioner pursuant to section 14-106 of the administrative code.

b. No member of the department or other law enforcement officer shall collect a DNA sample from a minor in connection with an investigation of an alleged criminal offense without first obtaining the written consent of such minor’s parent, legal guardian or attorney, except such consent shall not be required where the DNA sample is collected from a minor who is alleged to be the victim of such criminal offense.

c. No member of the department or other law enforcement officer shall collect a DNA sample that is located on an item that a minor received while in the custody of, or in the course of an interaction with, a law enforcement officer or in a facility used for the questioning of such minor in connection with an alleged criminal offense.

d. No member of the department or other law enforcement officer shall collect a DNA sample from a minor in connection with an investigation of an alleged criminal offense without first obtaining the written

consent of an attorney representing the minor, subject to the exceptions set forth in subdivision b, in the following circumstances:

1. When the minor's parent or legal guardian is also the parent or legal guardian of an alleged victim of the alleged criminal offense under investigation;

2. When the minor's parent or legal guardian is reasonably suspected of having committed such alleged criminal offense; or

3. Where the interest of the minor's parent or legal guardian, as demonstrated by the parent or legal guardian in the presence of a law enforcement officer, is contrary to the minor's legal interest.

e. Nothing in subdivisions b, c or d of this section shall be construed to prohibit the collection of a DNA sample from a minor pursuant to a search warrant, other court order or provision of law that authorizes such collection.

§ 2. This local law takes effect 90 days after it becomes law.

Session 13
JDK/JW
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