



Legislation Text

File #: Res 1835-2001, **Version:** *

Res. No. 1835

Resolution calling upon the New York State Legislature to amend the Criminal Procedure Law to require that in criminal cases where the crime charged is punishable by the death penalty, the prosecuting entity, wherever applicable, perform DNA testing on any biological evidence sample recovered pursuant to the criminal investigation, provide the test results to the defendant and the court, and make such biological evidence sample available for DNA testing by the defendant, and calling for a moratorium on the carrying out of any pending death penalty sentence until individuals who are serving such a sentence are afforded the opportunity, wherever applicable, to retroactively apply any change in the law to their case.

By The Speaker (Council Member Vallone) and Council Members Warden, Malave-Dilan, Leffler, Linares, Marshall, Michels, Moskowitz, Pinkett and Stabile; also Council Members Eisland, Fisher, Foster, Harrison, O'Donovan, Povman Robinson and Nelson.

Whereas, Deoxyribonucleic acid ("DNA") is a molecule that is present in every cell of the body that contains a nucleus and is the chemical dispatcher of genetic information; and

Whereas, Advancements in DNA technology have made it possible to identify precise genetic markers from the smallest sample of biological evidence, including samples from saliva, hair follicles, blood, flesh, semen and sweat; and

Whereas, Every individual has a unique DNA pattern, and therefore, the ability to recover biological sample evidence at a crime scene and match the DNA pattern of the sample with that of a suspect has been a revolutionary development in the field of law enforcement; and

Whereas, Many law enforcement officials believe that DNA testing has become one of the most important crime-solving tools since the development of fingerprinting nearly a century ago; and

Whereas, DNA testing has been used to exculpate criminal suspects and individuals who have been wrongly convicted of crimes, as well as to inculpate guilty individuals; and

Whereas, It is essential that the citizens of New York have the utmost confidence in the certainty of capital crime convictions; and

Whereas, In order to ensure such confidence, courts and jurors presiding over capital crime cases should have available to them every piece of evidence that modern technology allows, and defendants who face the possibility of the death penalty should be afforded the opportunity to have every recovered sample of biological evidence tested; and

Whereas, This opportunity should also be made available to any person who is currently serving a death penalty sentence, as well as individuals currently charged with a capital offense; and

Whereas, A moratorium should be placed on the carrying out of any pending death penalty sentence until individuals who are serving such a sentence are afforded the opportunity, wherever applicable, to retroactively apply any change in the law to their case; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the Criminal Procedure Law to require that in criminal cases where the crime charged is punishable by the death penalty, the prosecuting entity, wherever applicable, perform DNA testing on any biological evidence sample recovered pursuant to the criminal investigation, provide the test results to the defendant and the court, and make such biological evidence sample available for DNA testing by the defendant, and calling for a moratorium on the carrying out of any pending death penalty sentence until individuals who are serving such a sentence are afforded the opportunity, wherever applicable, to retroactively apply any change in the law to their case.

LS #4093
04/12/01