



## Legislation Text

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### Res. No. 83

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., Felder, Liu, Nelson, Sears, Weprin, Gerson, Comrie, Gentile, Oddo, Koppell, Perkins, Sanders and Gennaro

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, some of these include 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, As of the year 2000, DNA evidence has also led to the exoneration of almost 70 people in our nation's prisons, eight 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, The FBI recently began its new national DNA database; a pilot program involving California and seven other states has led to the solving of 200 cases since last December; and

Whereas, Increasing DNA databases will also enhance the ability of law enforcement officials to solve crimes; and

Whereas, Legislation that increases the number of convicted offenders, to include those convicted of a misdemeanor offense, as part of the state databank, 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 Friel, rapes could have been prevented had a DNA sample been taken from a defendant for a previous misdemeanor offense; and

Whereas, Recently, in Virginia, 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; 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.