



NEW YORK STATE SENATOR

Martin J. Golden

Senate Passes Dna Databank Expansion Bill

MARTIN J. GOLDEN January 31, 2012

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The New York State Senate today passed legislation, sponsored by Senator Steve Saland (R-I-C, Poughkeepsie) and Senator Martin Golden (R-C, Brooklyn), for the largest expansion of the state's DNA databank since it was created in 1994. The legislation mirrors the databank expansion plan proposed by Governor Cuomo in his Executive Budget to require people convicted of all felonies, as well as all misdemeanors in the penal law to submit DNA

samples.

Under the existing law, people convicted of about half the crimes that are committed are required to submit DNA samples, including every penal law felony and just 36 misdemeanor crimes in the penal law. The legislation would expand that list to include all felonies in state law and every penal law misdemeanor. It is projected that the expansion would add about 46,000 individual DNA samples a year to the databank.

“Currently, not all misdemeanors and felonies require a DNA sample to be collected. The expansion is particularly critical when studies show that persons who commit serious crimes have also often committed other crimes including lower-level misdemeanors,” stated Senator Saland. “Enactment of this legislation will provide a powerful tool to bring closure to unsolved crimes and prevent further crimes from taking place.”

Senator Golden stated, “I am proud to sponsor this legislation which will significantly improve New York State's crime fighting abilities. Through the collection of DNA samples of all persons convicted of felony offenses, and certain misdemeanors, we will help to prevent and solve crimes. This legislation adds a critical measure of security and safety for all New Yorkers and I urge my colleagues in the Assembly to pass this bill.”

“As a crime fighting tool, DNA is the 21st Century equivalent of a fingerprint,” Senate Majority Leader Dean G. Skelos said. “Senate Republicans fought to create the databank 18 years ago and we have successfully worked to expand it because it is the most powerful law enforcement tool to catch and prosecute criminals and protect victims. The Senate is partnering with the Governor to expand the databank and we have strong support from the law enforcement community and victims advocacy groups, and I hope the Assembly will join us in passing this measure to improve the safety of our citizens and communities.”

“As a former State Trooper and Sheriff of Erie County I can say without hesitation that the use of DNA evidence in criminal investigations has proven to be the most effective tool at law enforcements' disposal for identifying, arresting, and prosecuting criminals since the advent of finger printing,” Senator Patrick Gallivan (R-C-I, Elma) said.

The DNA databank expansion bill (S.5560A) proposal is supported by law enforcement organizations across the state, including the New York State Sheriffs Association, District Attorneys Association of the State of New York, the New York State Association of Chiefs of Police, the New York State Troopers PBA, Downstate Coalition for Crime Victims, Joyful Heart Foundation, the Safe Horizon victim assistance organization and many other law enforcement groups throughout the state.

Susan Xenarios, Co-Chair of the Downstate Coalition for Crime Victims, said: “We thank Sen. Saland for his efforts to expand the State's DNA databank and protect New Yorkers from the horrors of violence and abuse. As victim service providers in NYC and the surrounding counties, we see the traumatic effect that crime has on families and communities. Expanding the DNA databank will prevent countless acts of violence and abuse from ever taking place. We urge the full legislature to pass this measure into law without delay.”

Maile M. Zambuto, Chief Executive Officer of the Joyful Heart Foundation, a crime victims assistance organization, said: "Since the legislature last expanded the Databank in 2006, there have been 953 DNA matches in sexual assault cases. Each of those matches can represent an opportunity to hold perpetrators accountable for their crimes, give survivors the justice they deserve and spare thousands of New Yorkers the trauma and pain of sexual violence. We hope that the full legislature will join together to make a difference for survivors and the safety of our communities."

Since its inception, DNA stored in the databank has been used to identify perpetrators in about 10,000 crimes, including 900 murders and 3,500 sexual assaults. Since 2006, when the DNA databank was expanded to include 36 misdemeanors, law enforcement agencies have used the information to convict 1,460 criminals.

Senate Republicans pushed for establishment of the DNA databank in 1994. Since then they have enacted half a dozen laws to expand and improve the databank, most recently in 2006, with a law sponsored by Senator Skelos to include all DNA from those convicted of all felonies and 17 misdemeanor offenses.

The state's DNA databank has transformed criminal investigations and prosecutions to make them more accurate and effective, as well as helped to exonerate the innocent. However, DNA is only collected in approximately 46 percent of crimes because current law does not include the collection of DNA from all those convicted of crimes, such as some misdemeanors. This has reduced law enforcement's ability to resolve investigations as quickly and enabled some criminals to remain free to commit more crimes, sometimes with devastating consequences.

Members of the Senate Republican Conference are launching a petition drive to gather public support for enactment of the DNA databank expansion bill.

The bill was sent to the Assembly.