



NEW YORK STATE SENATOR

Timothy M. Kennedy

## Senator Kennedy Announces Senate Passage of DNA Databank Expansion

TIMOTHY M. KENNEDY February 22, 2012

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### *Legislation will improve effectiveness of criminal investigation and prevent crime*

ALBANY, N.Y. – Senator Timothy M. Kennedy, D-58th District, announced the State Senate has passed legislation to expand the state’s DNA databank to prevent crime by improving the effectiveness and accuracy of criminal investigation. Once passed by the Assembly and signed by the Governor, this bill will create an all-crimes DNA database.

The new legislation will require offenders convicted of any and all felonies or Penal Law misdemeanors to provide law enforcement with DNA samples. The current system falls short because only those convicted of about half of all crimes are required to surrender DNA. By expanding the database, law enforcement will be better enabled to match DNA evidence found at crime scenes to perpetrators of the crimes.

The criminal histories of several offenders indicate that if New York State had put an all-crimes DNA databank into effect years ago, several violent crimes could have been prevented, and it’s likely that many cold cases could be solved.

“New York needs get tough on crime and stop letting criminals slip through the gaps in our law,” Senator Kennedy said. “Families have lost loved ones. Victims have needlessly suffered.

In too many cases, it could have been prevented if our state had enacted an all-crimes DNA databank.

“DNA is a powerful tool. It has dramatically improved the effectiveness and accuracy of criminal investigations. It has helped deliver justice in cases that had long gone cold, and it has helped exonerate the wrongfully accused,” he added. “We need to empower law enforcement with an all-crimes DNA databank – which is a critical tool they need to secure swift justice for grieving families and to ensure that the criminal justice system protects the innocent. I urge the Assembly to take up this measure.”

One of the highest-profile cases in Western New York history could have been solved much sooner than it was, if the new legislation had been in effect. Altemio Sanchez, who became known as the Bike Path Rapist, may have been caught years earlier if the criminal justice system were already using an all-crimes DNA databank. Likewise, Anthony Capozzi, who was wrongfully convicted during the investigation, would have been exonerated far earlier if this legislation had been law.

In 1991 and again in 1999, Sanchez was arrested for patronizing a prostitute, which is a misdemeanor. At the time, it was not required that offenders convicted of this misdemeanor charge submit a DNA sample. That would change under this new legislation, and it could have led to Sanchez’s capture.

The bill now awaits Assembly approval.

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*Senator Timothy M. Kennedy represents the New York State Senate’s 58th District, which is comprised of the towns of Cheektowaga, Eden, Hamburg and West Seneca, the city of Lackawanna and parts of the city of Buffalo. More information is available at [kennedy.nysenate.gov](http://kennedy.nysenate.gov).*