



NEW YORK STATE SENATOR

Brad Hoylman-Sigal

Hoylman Legislation Requiring Expungement of NYC DNA Database Used by NYPD Passes Committee

BRAD HOYLMAN-SIGAL April 19, 2021

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NEW YORK - Today, the New York State Senate's Internet and Technology Committee passed legislation sponsored by State Senator Brad Hoylman (D/WF-Manhattan) and Assemblymember Stefani Zinerman (D-Brooklyn) ([S.1347/A.6124](#)) to explicitly prohibit local governments, including New York City, from maintaining DNA databases. The bill clarifies that the New York State DNA Databank is the only legally authorized DNA index in New York and would require unregulated and unauthorized local databases, like the one maintained by the New York City Office of Chief Medical Examiner (OCME) and used by the NYPD, to be fully expunged.

Senator Hoylman said: "There are close to 33,000 New Yorkers whose most private genetic information is stored inside New York City's rogue DNA index. Many have never committed a crime, and have had their DNA taken through what amounts to genetic stop-and-frisk. This brazen and unlawful violation of New Yorkers' privacy must end.

"There's only one DNA index that's authorized by state law: the New York State DNA Databank. This databank was carefully created by the State Legislature with regulations and standards in place governing the use and sources of the DNA samples

it contains. Any other DNA index in New York State is unlawful and unauthorized. No amount of self-regulation from the NYPD and OCME can change the simple fact that their DNA index is not legally authorized to exist.”

In 2012, the New York State DNA Databank was expanded to include all people convicted of crimes defined in the Penal Law. In expanding the law, the State carefully weighed genetic privacy against law enforcement interests and determined that it was appropriate to require only people convicted of crimes to give up their genetic privacy.

According to Legal Aid Society data, the OCME database used by NYPD currently has 32,852 DNA samples. A year ago the City promised to reform its practice of collecting and indexing DNA from people, including children as young as 12, who have not been convicted of a crime. But over a year later, the Legal Aid Society believes the City has failed to sufficiently reform DNA collection and storage practices, and that at the current rate it would take years for the City to meaningfully reduce the size of its database.

These unregulated DNA identification indexes exist because New York State law does not expressly prohibit local DNA identification indexes. Therefore, this bill clarifies what the State Legislature always intended -- the only authorized DNA identification index in New York is the New York State DNA Databank

This legislation would go into effect immediately.

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