



NEW YORK STATE SENATOR

Dean G. Skelos

## Senate Passes Expansion of Dna Databank

DEAN G. SKELOS June 16, 2011

*All Felony and Misdemeanor Convictions Would Require Submission of DNA Sample*

The New York State Senate today passed a bill (S.5560) that significantly expands the ability of law enforcement to solve crimes by requiring those convicted of all felonies and misdemeanors to submit DNA samples.

The measure, sponsored by Senator Stephen Saland (R-I-C, Poughkeepsie), is supported by the District Attorneys across the state, crime victims' advocates and Governor Andrew Cuomo.

The bill would greatly enhance the DNA database to protect communities by keeping more criminals off the streets, while also reducing the financial costs and victims' emotional strain by solving more crimes in an expeditious manner.

“Currently, not all misdemeanors require a DNA sample to be collected, even when studies show that persons who commit serious crimes have also often committed lower-level misdemeanors,” stated Senator Saland. “This legislation ensures that all possible steps are being taken and will be a powerful tool to bring closure to unsolved crimes and prevent further crimes from taking place. For New Yorkers throughout the state, this legislation will add a critical measure of security and safety.”

“Case after case has shown that we are tying the hands of law enforcement and prolonging justice for victims by not including the ability to sample all criminals for the DNA databank,” Senate Majority Leader and bill co-sponsor Dean G. Skelos said. “Expanding the database provides key investigative information that would prevent repeat offenders from continuing to commit crimes. Acting on this crucial legislation will make New York a safer place for all law-abiding citizens.”

Since its creation in 1996, 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.

For instance, it took approximately six years for Curtis Tucker to be arrested and arraigned for the 2004 attempted murder and attempted rape of a 14-year-old girl in her Harlem apartment building. Following the Harlem attack, Tucker was subsequently convicted of two misdemeanor crimes, and, more recently of felony burglary against a 74-year-old man who was afflicted with Parkinson's disease. But it was not until the burglary conviction that Tucker's prior criminal convictions were eligible for DNA collection. If DNA was required upon conviction for all crimes, law enforcement would have solved the 2004 rape much sooner and potentially prevented the 2010 burglary of the elderly man.

Another series of crimes involving Raymon McGill could have been prevented had the DNA database been expanded to include all crimes, including his 1999 petit larceny conviction. In January 2000, an elderly woman was raped in her home, followed by a March 2000 incident where a woman was raped and murdered in her home. DNA evidence recovered at both scenes was from the same, unknown perpetrator. In January 2004, a man was found in his home, beaten and shot to death and, again, the DNA was the same. In March 2005, Raymon McGill was convicted of a robbery that required him to provide a DNA sample; that sample hit on all three of the above crimes. Had his DNA been in the databank from the 1999 petit larceny conviction, McGill could have been detected following the January 2000 crime and the subsequent crimes could have been prevented.

The bill has been sent to the Assembly.