



NEW YORK STATE SENATOR

Patrick M. Gallivan

Gallivan, Senate Pass Dna Databank Expansion Bill

PATRICK M. GALLIVAN February 1, 2012

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Bill Would Have Linked Authorities To Bike Path Rapist Years Prior To His 2007 Arrest

Senator Patrick M. Gallivan announced that the New York State Senate today passed legislation to implement 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.

Gallivan was joined at an Albany press conference this morning announcing the bill by Majority Leader Dean G. Skelos (R – Nassau), Senator Martin Golden (R – Brooklyn), Senator Stephen Saland (R – Poughkeepsie), law enforcement officials from across the state, and crime victims advocacy groups.

“As a former State Trooper and former 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,” Gallivan said.

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.

“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.”

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.

Gallivan added that the benefits of an “all crimes” DNA databank should be particularly appreciated by many in the Western New York area. “In 1991, Altemio Sanchez was convicted of a misdemeanor offense. Had this legislation been in place then, law enforcement would have discovered that Altemio Sanchez was in fact, the notorious Western New York serial killer and rapist known as the Bike Path Rapist. DNA evidence collected through other means eventual led to the conviction of Sanchez as the Bike Path Rapist in 2007, but not after more women were brutalized and a man falsely convicted of his crimes had served nearly 20 years in prison. Expanding New York's DNA databank will help ensure justice is served, and as important, injustice is prevented.”

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.

Governor Andrew M. Cuomo pushed for this measure in his Executive Budget Proposal earlier this month and issued a statement of support this afternoon applauding the Senate for addressing this issue with such alacrity.

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.

The DNA Databank was established in 1994. Since then half a dozen laws have been enacted to expand and improve the databank, most recently in 2006.