



NEW YORK STATE SENATOR

John J. Bonacic

## Statement by Senator John J. Bonacic

JOHN J. BONACIC March 15, 2012

| ISSUE: **CRIME**

### On Expansion of DNA Database

“DNA evidence helps identify the guilty and free the innocent – the very essence of what our justice system should be. The legislation (S.6733), passed by the Senate and Assembly will better protect all New Yorkers for decades to come.”

**BACKGROUND:** the agreement on expanded DNA testing includes the following reforms to the criminal justice system:

**All Crimes DNA Expansion:** This legislation will make New York the first state in the country to expand its DNA Databank so dramatically, a reform that promises to solve thousands of crimes and prevent thousands of others. Since its launch in 1996, New York State's DNA Databank has been a powerful tool both for preventing and solving crimes- including more than 2,900 convictions- and for proving innocence, including countless suspects cleared early-on in investigations. DNA evidence has also helped exonerate 27 New Yorkers who were wrongfully convicted.

Previously, state law only permitted DNA to be collected from 48 percent of offenders convicted of a Penal Law crime. Among the exclusions were numerous crimes that statistics have shown to be precursors to violent offenses. As a result, New York State missed important opportunities to prevent needless suffering of crime victims and failed to use a powerful tool that could be used to exonerate the innocent.

**Expanded Access for Certain Criminal Defendants to DNA Testing:** This legislation will allow defendants in certain criminal cases to obtain DNA testing prior to trial to demonstrate their innocence. Further, under appropriate circumstances defendants convicted after a guilty plea will be allowed access to such testing. Together, these reforms will help to ensure that innocent defendants are not convicted or, if convicted after a plea, are able to demonstrate their actual innocence.

**Expanded Access to Discovery for Certain Criminal Defendants After Trial:** In limited circumstances, defendants will be able to seek discovery of property and other materials to demonstrate their actual innocence after their conviction. Such discovery will provide the court with the evidence necessary to reach a proper decision on a defendant's motion for such relief.

###