

DNA rule would cast a wider net

Governor advocates mandate for samples from more convicts

By MICHAEL VIRTANEN, Associated Press

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ALBANY — The addition of petit larceny to a list of crimes requiring DNA samples from convicted offenders has helped solve 51 murders, 222 sexual assaults, 117 robberies and 407 burglaries over the past 5 1/2 years, state authorities say.

Now the Cuomo administration wants to expand the statewide DNA databank to include all misdemeanor convictions under the penal code, plus all felony convictions under other statutes such as traffic and business laws. That means DNA samples for DWI convictions and securities fraud, for example.

Gov. Andrew Cuomo last week called for putting New York "on the cutting edge of criminal justice" by becoming the first state to collect DNA on all crimes laws, noting that since 1996 the database provided leads to 2,700 convictions while helping free 27 people who were wrongly accused.

"We are missing an important opportunity to prevent needless suffering of crime victims," the governor said. "We are also failing to use the most powerful tool we have to exonerate the innocent."

The databank currently has genetic profiles from more than 386,000 criminals convicted of penal law felonies and 36 misdemeanors, plus samples from nearly 38,000 crime scenes. It links to the FBI's national system with more than 10 million offender profiles and some 400,000 samples of crime scene material.

Legislation to expand the databank passed both houses of the Legislature last year, but it died when lawmakers failed to reconcile the differences.

The expansion would not apply to the lowest-level violations like simple trespassing, loitering, disorderly conduct or privately possessing a single marijuana cigarette.

The Assembly bill had added provisions that would have required better access to DNA evidence for defense lawyers; prohibited other DNA identification indexes; increased the penalty for tampering or misusing DNA samples; and required police to get written consent before collecting a voluntary sample from someone for an investigation. It would require a state commission to review and report on confidentiality safeguards.



"Last year, when the bills crossed, we didn't have the governor's attention because of other matters like the \$10 billion deficit," said Assemblyman Joseph Lentol, D-Brooklyn, a former prosecutor who is the bill's sponsor. "I hope that this year we will have the governor's attention and help in passing the bill. But I'd like to see it done the right way."

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