

STATE OF NEW YORK

2375

2007-2008 Regular Sessions

IN SENATE

February 2, 2007

Introduced by Sens. SKELOS, FLANAGAN, LEIBELL, ALESI, BONACIC, FARLEY,

FUSCHILLO, GOLDEN, HANNON, LITTLE, MALTESE, MAZIARZ, MORAHAN, NOZZO-

LIO, PADAVAN, RATH, SALAND, SEWARD, TRUNZO, VOLKER, WRIGHT -- read

twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the executive law, in relation to including the conviction of any offense which requires the taking of fingerprints upon arrest, within the definition of "designated offender" for purposes of the state DNA identification index

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Paragraph (f) of subdivision 7 of section 995 of the executive law, as amended by chapter 2 of the laws of 2006, is amended and a new paragraph (g) is added to read as follows:
- 2 (f) any of the following misdemeanors: assault in the third degree as defined in section 120.00 of the penal law; attempted aggravated assault upon a person less than eleven years old, as defined in section 110.00 and section 120.12 of the penal law; attempted menacing in the first degree, as defined in section 110.00 and section 120.13 of the penal law; menacing in the second degree as defined in section 120.14 of the penal law; menacing in the third degree as defined in section 120.15 of the penal law; reckless endangerment in the second degree as defined in section 120.20 of the penal law; stalking in the fourth degree as defined in section 120.45 of the penal law; stalking in the third degree as defined in section 120.50 of the penal law; attempted stalking in the

15 second degree, as defined in section 110.00 and section 120.55 of the
16 penal law; forcible touching as defined in section 130.52 of the penal
17 law regardless of the age of the victim; sexual abuse in the third
18 degree as defined in section 130.55 of the penal law regardless of the
19 age of the victim; unlawful imprisonment in the second degree as defined
20 in section 135.05 of the penal law regardless of the age of the victim;

EXPLANATION--Matter in **italics** (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 attempted unlawful imprisonment in the first degree, as defined in
2 section 110.00 and section 135.10 of the penal law regardless of the age
3 of the victim; criminal trespass in the second degree as defined in
4 section 140.15 of the penal law; possession of burglar's tools as
5 defined in section 140.35 of the penal law; petit larceny as defined in
6 section 155.25 of the penal law; endangering the welfare of a child as
7 defined in section 260.10 of the penal law; endangering the welfare of
8 an incompetent or physically disabled person as defined in section
9 260.25[-]; or (g) any other offense for which the **fingerprints of the**
10 **defendant or arrested person are required to be taken pursuant to subdi-**
11 **vision one of section 160.10 of the criminal procedure law.**
12 § 2. This act shall take effect immediately; provided, that paragraph
13 (g) of subdivision 7 of section 995 of the executive law, as added by
14 section one of this act, shall apply to designated offenses committed on
15 or after such effective date, as well as to designated offenses commit-
16 ted prior to such effective date, where service of the sentence imposed
17 upon conviction of such designated offense has not been completed prior
18 to such effective date.