



Legislation Details (With Text)

File #: Int 0306-2022 **Version:** * **Name:** Prohibiting the police department from collecting DNA from a minor without consent from a parent, legal guardian or attorney.

Type: Introduction **Status:** Filed (End of Session)

In control: Committee on Public Safety

On agenda: 5/5/2022

Enactment date: **Enactment #:**

Title: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the police department from collecting DNA from a minor without consent from a parent, legal guardian or attorney

Sponsors:

Indexes:

Attachments: 1. Summary of Int. No. 306, 2. Int. No. 306, 3. May 5, 2022 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 5-5-22, 5. Minutes of the Stated Meeting - May 5, 2022

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------|-----------------------------|--------|
| 5/5/2022 | * | City Council | Introduced by Council | |
| 5/5/2022 | * | City Council | Referred to Comm by Council | |
| 12/31/2023 | * | City Council | Filed (End of Session) | |

Int. No. 306

By Council Members Ayala, Louis, Hanif, Joseph, Stevens, Restler, Abreu, Won, Hudson, Farías, Schulman and Sanchez (by request of the Queens Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the police department from collecting DNA from a minor without consent from a parent, legal guardian or attorney

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-193 to read as follows:

§ 14-193 Consent required to collect the DNA of a minor. a. Definitions. For purposes of this section, the following terms have the following meanings:

DNA sample. The term “DNA sample” means any amount of blood, saliva, hair or other bodily material from which deoxyribonucleic acid can be extracted.

Minor. The term “minor” means a natural person under the age of 18.

b. No member of the department or other law enforcement officer shall collect a DNA sample from a minor prior to the lawful arrest of such minor without first obtaining the written consent of such minor's parent, legal guardian or attorney, except:

1. Where the DNA sample is abandoned at the scene of an alleged criminal offense and is not collected from the minor's person; or

2. Where the DNA sample is collected from a minor who is alleged to be the victim of a criminal offense.

c. Subdivision b of this section shall not be construed to prohibit any lawful method of collecting a DNA sample from a minor pursuant to a search warrant, other court order or provision of law that authorizes the search of a minor for the purpose of collecting a DNA sample.

§ 2. This local law takes effect 90 days after it becomes law, except that the police commissioner shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Session 12
SJ
LS #2189
4/28/22 1:50 PM

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NC
LS #9688/9690
Int. 2105-2020