



## Legislation Text

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### Res. No. 420

Resolution calling on the New York State Legislature to pass, and the Governor to sign S1774, in relation to forensic DNA testing and to request certain DNA test comparisons.

By Council Members Williams, Stevens, Narcisse, Krishnan, Restler, Avilés and Hudson

Whereas, According to the Innocence Project, over 10% of the nation's more than 200 DNA exonerations have been in New York State, with people serving an average of 11 years in prison for crimes they did not commit; and

Whereas, Advancements in post-conviction DNA testing have underscored the critical importance of evidence preservation, highlighting the need for standardized protocols and practices; and

Whereas, Evidence management policies are vital in ensuring the integrity of physical evidence throughout the criminal justice process, thereby safeguarding against wrongful convictions and promoting justice; and

Whereas, In 2006, the Innocence Project provided testimony before the State Assembly Codes Committee highlighting the need for a uniform system to preserve biological evidence in New York State; and

Whereas, Inconsistencies in storing, organizing, and retrieving preserved evidence across New York State has led to detrimental consequences, including the closure of numerous cases; and

Whereas, A preliminary analysis of Innocence Project's New York closed cases in the last decade reveals that 50% were closed because officials claimed evidence was lost or destroyed, while nationally more than one-quarter of cases faced similar issues; and

Whereas, New York State Criminal Procedure Law (“CPL”) §440.30, requires the prosecution to show available evidence for post-conviction testing, but doesn’t specify preservation periods, potentially allowing evidence destruction between conviction and testing requests; and

Whereas, S1774 sponsored by New York State Senator Jamaal Bailey, establishes minimum retention periods for forensic samples and mandates standards for testing, preservation, and cataloging of evidence by the Forensic Science Commission which oversees New York State’s DNA Databank; and

Whereas, S1774 creates the State Commission for the Integrity of the Criminal Justice System to address fictitious name indictments, DNA test comparisons, wrongful convictions, and recommendations for prevention; and

Whereas, The New York City Council recognizes the importance of ensuring the integrity of the criminal justice system through DNA preservation and preventing wrongful convictions from occurring in the future; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign S1774, in relation to forensic DNA testing and to request certain DNA test comparisons.

CMB  
LS#16360  
4/18/24