



State of the State Address Fact Sheet: **DNA Legislation**

“Without safe streets, there is no community...I ask that you pass my proposal to create a full DNA databank and a commission to review wrongful convictions.”

-Governor Eliot Spitzer (January 9, 2008)

The Challenge

- DNA is a powerful crime-prevention tool; DNA evidence identifies guilty persons and exonerates the innocent.
- Unfortunately, the law provides for DNA collection only in about half of current convictions. While DNA is collected from persons convicted of any felony in the penal law, in the case of misdemeanor convictions it is collected only for 35 specified crimes, and not for the hundreds of other misdemeanors.
- As of January 4, 2008, the state’s DNA databank has found 4,042 “hits” in which forensic DNA evidence from crime scenes was matched with offender profiles. For the last eight years, these hits have occurred at an average rate of greater than one per day.
- For example, in March 2005, Raymon McGill was convicted of robbery and submitted DNA which matched DNA from two murders and a rape committed in 2000 and 2004. In 1999, McGill had been convicted of lesser crimes which did not require him to submit DNA samples; had he been required to do so then, McGill would have been identified in the first 2000 crime and the murders would have been prevented.
- It is also important to note that the same tools have been used to exonerate the wrongfully convicted. In one well-known case, for example, Jeff Deskovic spent over 15 years in prison for murder and rape, until DNA evidence uncovered the real perpetrator, who then confessed.

Our Approach

- Governor Spitzer will once again push for legislation to expand the state’s DNA databank to include samples from all penal law convictions; improve the methods of collection and preservation of evidence; and greatly enhance the ability of defendants to use DNA evidence to prove their innocence.
- This legislation will result in the earlier detection of criminals, the prevention of future crimes, and the exoneration of the innocent.
- Furthermore, when defendants are wrongly convicted, it only makes sense to try to figure out how it happened, and to learn from such tragedies. Governor Spitzer will continue to seek a reliable process to gain insight from exonerations.

- At Governor Spitzer's direction, the State has been clearing the backlog of DNA samples requiring testing; the backlog of nearly 49,000 samples that existed in January 2007 will be eliminated by March 2008.
- At the beginning of 2007, the State Police had the capacity to analyze about 2,500 DNA samples per month. Now, through enhanced technology and outsourcing, that agency can process over 10,000 samples monthly.