

New York State DNA Expansion:

Youthful Offenders do not qualify.

Juvenile Offenders are qualifying.

Section 995 (7) of the Executive Law has been amended to require persons convicted and sentenced of any felony defined in the Penal Law, or an attempt thereof where the attempt is a felony, as well as persons convicted and sentenced of specified misdemeanor offenses, to provide a DNA specimen for the State DNA Databank (a list of the specified misdemeanors requiring DNA collection is set forth below). This change is effective June 23, 2006 and applies not only to offenders convicted and sentenced for one of the newly designated offenses after the effective date, but also to offenders under sentence on the effective date.

- 120.00 - assault in the 3rd degree
- 110.00/120.12 - attempted aggravated assault upon a person less than 11 years old
- 110.00/120.13 - attempted menacing in the 1st degree
- 120.14 - menacing in the 2nd degree
- 120.15 - menacing in the 3rd degree
- 120.20 - reckless endangerment in the 2nd degree
- 120.45 - stalking in the 4th degree
- 120.50 - stalking in the 3rd degree
- 110.00/120.55 - attempted stalking in the 2nd degree
- 121.11 criminal obstruction of breathing or blood circulation - *Effective 11/11/2010*
- 130.20 - sexual misconduct
- 110.00/130.20 - attempted sexual misconduct
- 110.00/130.25 - attempted rape in the 3rd degree
- 110.00/130.40 - attempted criminal sexual act in the 3rd degree
- 130.52 - forcible touching (prior to this law, a person convicted of forcible touching was required to submit a DNA sample only if the victim was less than 18 OR the person was previously convicted of a sex offense or sexually violent offense, or 130.52 or 130.55, or an attempt thereof)
- 110.00/130.52 - attempted forcible touching (where victim is less than 18 OR offender has previously been convicted of a sex offense or sexually violent offense, or 130.52 or 130.55, or an attempt thereof)
- 110.00/130.53 - attempted persistent sexual abuse
- 130.55 - sexual abuse in the 3rd degree (prior to this law, a person convicted of sexual abuse in the 3rd degree was required to submit a DNA sample only if the victim was less than 18 OR the person was previously convicted of a sex offense or sexually violent offense, or 130.52 or 130.55, or an attempt thereof)
- 110.00/130.55 - attempted sexual abuse in the 3rd degree (where victim is less than 18 OR offender has previously been convicted of a sex offense or sexually violent offense, or 130.52 or 130.55, or an attempt thereof)
- 130.60 - sexual abuse in the 2d degree
- 110.00/130.60 - attempted sexual abuse in the 2d degree
- 110.00/130.65-a - attempted aggravated sexual abuse in the 4th degree
- 135.05 - unlawful imprisonment in the 2d degree (prior to this law, a person convicted of unlawful imprisonment in the 2d degree was required to submit a DNA sample only if the victim was less than 17 and the person was not the parent of the victim)
- 110.00/135.05 - attempted unlawful imprisonment 2d (where victim is less than 18 AND offender is not parent)
- 110.00/135.10 - attempted unlawful imprisonment in the 1st (prior to this law, a person convicted of attempted unlawful imprisonment in the 1st degree was required to submit a DNA sample only if the victim was less than 17 and the person was not the parent of the victim)

- 140.15 - criminal trespass in the second degree
- 140.35 - possession of burglar's tools
- 155.25- petit larceny
- 260.10 - endangering the welfare of a child
- 260.25 - endangering the welfare of an incompetent or physically disabled person
- 230.04 - patronizing a prostitute in the 3rd degree (where the person patronized is in fact less than seventeen years of age)
- 110.00/230.04 - attempted patronizing a prostitute in the 3rd degree
- 110.00/230.05 - attempted patronizing a prostitute in the 2d degree
- 110.00/255.25 - attempted incest
- 110.00/263.11- attempted possessing an obscene sexual performance by a child
- 110.00/263.16 - attempted possessing a sexual performance by a child

Under the new law, about 46 % of all persons convicted of a Penal Law offense will be required to submit a DNA sample.