

RULE REVIEW

DIVISION OF CRIMINAL JUSTICE SERVICES

Pursuant to §207 of the State Administrative Procedure Act, notice is hereby given of the following rules which were adopted by the Division of Criminal Justice Services in calendar year 2000 and which must be reviewed in calendar year 2005. Public comment on the continuation or modification of these rules is invited. Information regarding this rule may be obtained from and comments may be submitted to Mark Bonacquist, Associate Attorney, 4 Tower Place, Albany, New York 12202. Comments will be accepted for 45 days after publication of this notice in the *State Register*.

I.D. number: CJS-17-00-00006

Description of subject matter: Accreditation program for public forensic laboratories; amendment of 9 NYCRR Part 6190.

Need for the rule: Executive Law §995-b(1) requires minimum standards and a program of accreditation for all forensic laboratories in New York State. This rule established a process for forensic laboratories to maintain their New York State accreditation, which would have expired on July 1, 2000 under the regulatory framework in place at the time.

Legal basis of the rule: Executive Law §995-b(1).

I.D. number: CJS-17-00-00005

Description of subject matter: Peace officer registry; amendment of 9 NYCRR Part 6056.

Need for the rule: Executive Law §845-a(4) requires the Division to establish and maintain a central state registry of peace officers and to empower the Division to promulgate rules and regulations governing the registry. This purpose of this rule was to ease reporting mandates by eliminating the requirement that peace officer employers submit fingerprints of peace officers and report each peace officer's personal address and other related information with their submissions to the registry. The rule also changed references to the obsolete "Bureau for Municipal Police" to the Division of Criminal Justice Services.

Legal basis of the rule: Executive Law §845-a(4).

I.D. number: CJS-18-00-00022

Description of subject matter: Notification of designated offenders; amendment of 9 NYCRR sections 6191.1 and 6191.3.

Need for the rule: Executive Law §995-c(4) requires the Division to promulgate rules and regulations governing the procedures for notifying designated offenders of their requirement to provide a DNA sample for inclusion in the State DNA databank. This rule added references to designated offenders in the custody of the Office of Children and Family Services and the Division of Parole, offenders who were previously omitted from the provisions of the rule. It also changed the specific requirement of providing a sample of "blood" to providing a "sample appropriate for DNA testing," thereby conforming the rule with statutory amendments to section 995-c(3) of the Executive Law. The rule also amended the definition of "designated offender" by referencing the definition of designated offender found in Executive Law section 995(7), thus eliminating the need to amend the regulation every time the statutory definition of designated offender was amended.

Legal basis of the rule: Executive Law §995-c(4).

I.D. number: CJS-06-00-00007

Description of subject matter: DNA databank; amendment of 9 NYCRR Part 6192 and addition of 9 NYCRR Part 6193.

Need for the rule: Executive Law §995-c(1) empowers the commissioner of the Division of Criminal Justice Services to promulgate a rule governing the establishment of the State DNA identification index. This rule made various changes to the regulation initially promulgated by the commissioner in order to clarify and re-codify provisions.

Legal basis of the rule: Executive Law §995-c(1).