

RULE REVIEW

Division of Criminal Justice Services

Pursuant to §207 of the State Administrative Procedure Act, the Division of Criminal Justice Services hereby gives notice that the Division has conducted its review of the following rules adopted in calendar year 2003.

I.D. number: CJS-28-98-00006

Description of subject matter: Policy for implementation and operation of DNA databank; addition of 9 NYCRR Part 6192.

Need for the rule: The establishment of the State DNA databank is authorized by §995-c of the Executive Law. Section 995-c(1) provides that following the promulgation of a policy by the Commission on Forensic Science pursuant to Executive Law §995-b(9), the commissioner of the Division of Criminal Justice Services is authorized to promulgate a plan for the establishment of a computerized state DNA identification index within the Division. This is the regulation codifying a policy for establishment and operation of the State DNA Databank. Although some revisions have been made to Part 6192, it continues to set forth the policy for establishment and operation of the Databank.

Legal basis of the rule: Executive law §§995-b and 995-c.

This rule is being continued without modification because continues to provide a policy and framework for the operation of the State DNA Databank. The Division is not aware of any problems or deficiencies with the rule. A summary of this rule was published in the January 30, 2008 edition of the *State Register*. The Division did not receive any public comments regarding this rule.

