

RULE REVIEW

Division of Criminal Justice Services

Pursuant to § 207 of the State Administrative Procedure Act, notice is hereby given of the following rules adopted by the Division of Criminal Justice Services which must be reviewed in calendar year 2008. Public comment on the continuation or modification of these rules is invited. Information regarding these rules may be obtained from and comments may be submitted to Mark Bonacquist, Deputy Counsel, 4 Tower Place, Albany, New York 12203. Comments will be accepted for 45 days after publication of this notice in the *State Register*.

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.