

DNA LEGISLATION & NEWS

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Tim Schellberg tims@smithallinglane.com and Lisa Hurst lhurst@smithallinglane.com of Smith Alling Lane, P.S. provide nationwide governmental affair services to PE Biosystems. As part of the firm's representation weekly reports are generated which identify recent state and federal legislation and news articles. PE Biosystems has authorized Smith Alling Lane to make these reports available to anyone that requests them through this web site.

The information presented in these reports does not necessarily reflect the viewpoints of PE Biosystems or Smith Alling Lane, P.S.

The January 22, 2000 DNA report is attached. Relevant summaries are listed below. The report and summaries cover legislative bills that have been introduced in the 2000 legislative session.

These reports are prepared by Tim Schellberg and Lisa Hurst of Smith Alling Lane (253) 627-1091, on behalf of PE Biosystems.

COMMENTS

1. Colorado, Georgia, New Jersey and Washington have all introduced bills to expand the types of felons from whom DNA samples are collected. According to a news article, California is also planning to introduce such legislation, and the New York City police commissioner is calling for DNA samples from all arrestees.

STATE LEGISLATION

(SB = Senate Bill AB/HB= Assembly/House of Representatives Bill)

Forensic DNA

1. California SB 1342 - Post-conviction DNA testing.
2. California SB 1344 & AB 1740 - Appropriates \$225,000 to local communities for forensic DNA purposes.
3. Colorado HB 1216 - Allows indictments against unidentified offenders with DNA evidence.
4. Colorado HB 1166 - Requires DNA samples from: 2nd & 3rd degree burglary offenses upon probation or parole; habitual offenders upon probation or parole; all persons released for Dept. of Correction who are not subject to parole.
5. Colorado SB 121 - For crimes required to submit DNA samples, persons who are in Dept. of Corrections custody, or are on probation or parole for those crimes must also submit.
6. Georgia HB 1108 & SB 318 - Adds murder, assault, battery, kidnapping, car theft, sexual assault, robbery and burglary to DNA testing requirements (to the extent that funds are available.)
7. Georgia HB 1146 - Adds murder, assault, battery, kidnapping, and car theft to DNA testing requirements.
8. Maryland HB 112 - Post-conviction DNA testing.

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9. New Jersey AB 779 & SB 439 - Requires DNA samples from convictions of murder, manslaughter 2nd degree aggravated assault, kidnapping, and sexual conduct that impair or debauches the morals or a child.
10. South Dakota SB 108 - Post-conviction DNA testing.
11. Washington HB 2732 - Requires DNA samples from all felons.
12. Washington HB 2491 & SB 6498 - Post-conviction DNA testing.

Genetic Privacy

13. Alaska HB 278 - Governing the creation, use and dissemination of genetic information. Establishes the "Genetic Privacy Act."
14. Arizona HB 2014 & SB 2142 - Genetic conditions are not "pre-existing conditions" for insurance purposes.
15. Arizona HB 2041 - Confidentiality of genetic testing.
16. Arizona HB 2043 - Requires insurance companies to cover certain newborn infant illnesses that can be determined by genetic tests.
17. Arizona HB 2262 - Insurance may not deny coverage based on genetic information.
18. Colorado HB 1085 - Genetic information may not be released as part of medical records for workers' compensation benefits.
19. Colorado HB 1110 - Genetic composition is personal information. Establishes the "Colorado Privacy Protection Act."
20. Indiana SB 379 - Requires consent for the collection and use of DNA information.
21. Maryland HB 91 & SB 53 - Insurance may not deny coverage based on genetic information.
22. New York SB 897 & HB 1371 - Authorizes study on genetic screening tests and their usages.
23. Missouri HB 1362 & SB 820 - Genetic information may not be used to establish "pre-existing conditions" for insurance purposes.
24. New Jersey AB 289 - Genetic information is personal property. Changes law so that test results are to be sent to person who performs test (lab) rather than person requesting test (insurance).

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25. New Jersey AB 453 - Establishes patient health care information confidentiality requirements. Provides for the privacy of genetic information.
26. South Dakota HB 1176 - Privacy of genetic information, including human embryos.
27. Washington HB 2362 - Requirements for health insurance regardless of genetic information.
28. Washington SB 6326 - Prohibits DNA screening for insurance purposes.
29. Washington SB 6327 - Prohibits DNA information from being used in a discriminatory fashion.
30. Washington SB 6340 - civil actions for improperly obtaining or conveying DNA for testing purposes.
31. Washington SB 6341 - Requires informed consent for DNA testing.
32. Washington SB 6395 - Establishes DNA Commission to study future of DNA.
33. Washington SB 6284 - DNA is private information. Removal of DNA information from law enforcement non-conviction data. Protection of DNA information in other files.
34. West Virginia HB 2915 - "Genetic Information Privacy Act." Addresses paternity testing, employee information, insurance, disclosure, and right for civil action.

NEWS ARTICLES

Forensic DNA

1. Legislation to be proposed in California to collect DNA samples from all felons.
2. Statutes of limitations reconsidered in light of DNA technology. California to introduce bill to eliminate limits for evidence collected within 72 hours of an attack.
3. National Commission on the Future of DNA Evidence recommends that states hold DNA samples, but also calls for a study of privacy rights for convicts.
4. Police practice of gathering discarded items for DNA samples is questioned.
5. Minnesota and Wisconsin to introduce legislation extending time to prosecute sexual assault and homicide - based on new DNA technologies.
6. New York City Police Commissioner proposes DNA samples be collected for all "fingerprintable" arrests.

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7. Louisiana legislator intends to introduce post-conviction DNA legislation.
8. Los Angeles detectives use DNA technology - currently have 200 sample backlog.
9. Georgia Lt. Gov. to introduce bill to require DNA samples from all felons.
10. Appellate court rules that public defender can be sued - new DNA technology proves a convicted man to be innocent.

Genetic Privacy

11. China establishes human gene databank in Shanghai.