

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.

Attached is the January 27, 2000 DNA Issues report prepared on behalf of PE Biosystems. This is weekly overview of DNA analysis legislation and media attention which arose during the previous week. For your convenience, a summary of the attached report is listed below.

COMMENTS

1. Alaska, Arizona, Hawaii, and New Mexico have all introduced legislation to expand the offenders from whom DNA samples are collected. The Arizona and Hawaii legislation are especially expansive - the Hawaii bill creates new funds to pay for the analysis.
2. A few pieces of legislation and articles over the last couple of weeks address the scenario of police obtaining discarding items, such as cigarette butts, and running DNA analysis on those items. We suspect we are seeing the early evolution of this issue and believe it will eventually turn into a major DNA political issue that will be hotly debated in the courts and state legislatures over the next decade.

STATE LEGISLATION

(Legislation described as "Post Conviction DNA testing" refers to proposal that would allow prisoners to request DNA analysis of crime scene evidence, especially if DNA analysis was not available at the time of conviction.)

Forensic DNA

1. Alaska HB 294 & SB 201 -- Adds burglary to offenses requiring DNA samples.
2. Arizona SB 1353 - Expands DNA collection to all felons
3. Hawaii HB 2186 -- Adds 2nd degree murder, assault, kidnapping, burglary, and robbery to offenses requiring DNA samples. Requires DNA samples from all offenders convicted of any sex offense upon probation. Requires offenders pay for testing. Establishes a violent offender identification fund and sex offender identification fund.
4. Mississippi SB 2416 -- Post Conviction DNA testing.
5. Missouri SB 872 -- Post Conviction DNA testing.
6. New Mexico HB 174 & SB 125 -- Requires all sex offenders to submit a DNA sample upon registration with the county sheriff.
7. New York SB 6325 -- Clarifies existing law regarding the definition of larceny for DNA collection purposes (largely technical in nature).
8. Tennessee SB 2523 -- Post Conviction DNA testing

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Genetic Privacy

9. California SB 1364 -- Defines the term "genetic characteristic" used in current law prohibiting the release of genetic tests.
10. Hawaii SB 2259 -- Genetic testing may not be used for employment discrimination purposes.
11. Massachusetts HB 4989 -- Insurance companies may not use genetic information to determine a pre-existing condition, in absence of a diagnosis.

NEWS ARTICLES

Forensic DNA

1. Ethics of retrieving DNA evidence from discarded items.
2. Australian government plans to collect DNA samples from prisoners who are serving 5 years or more for "serious crimes".
3. Australian New South Wales Opposition tells government more money is needed for proposal to collect DNA samples from prisoners.
4. Georgia bill to expand DNA sampling to all convicted felons is heard in committee.
5. Canadian ruling allows collection of DNA samples without consent (from discarded items.)
6. "Big Brother" article -- International Association of Police Chiefs request for DNA sampling of all arrestees is criticized.

Genetic Privacy

7. Overview of Washington State Senate bills addressing DNA issues.
8. List of Washington State Senate bills addressing DNA issues.
9. Al Gore wants a law to prevent employer and insurance discrimination based on genetic information.
10. Chinese experts call for a nationwide database of genetic information.