

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 February 11, 2000 DNA report is attached. Relevant summaries are listed below.

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

COMMENTS

1. New Jersey, Rhode Island and West Virginia have introduced legislation to expand their DNA databases to include additional offenders.
2. Georgia's all-felon bill has passed the Senate (article #3) and New Jersey's DNA collection expansion bill has passed the full Senate and an Assembly committee (article # 7). New Mexico is considering Legislation that would require samples from more sex offenders (article #11).
3. Alabama, Massachusetts, Michigan and Missouri have introduced budget bills which outline next year's spending on forensic DNA testing. Find information on Pennsylvania's budget in article #6 and the federal budget in article # 14.
4. A hot topic with the press this week was the accuracy of the criminal justice system in light of new DNA evidence that is exonerating death row inmates - see articles 1, 2, 5, 10, 13, 15

STATE LEGISLATION

Forensic DNA

1. Alabama HB 251 -- \$2.5 million appropriation from DNA Fund to Forensic Science Services Program (House companion bill to SB 34, from last week's report.)
2. Arizona House Bill 2720 - Post conviction DNA testing
3. Georgia H Res 932 & S Res 525 - Urging Congress to enact the National Forensic Sciences Improvement Act of 1999.
4. Illinois HB 4593 - Lengthens the amount of time the state must hold evidence from felony convictions.
5. Massachusetts HB 1 -- \$3 million (+) appropriations for State Police Crime Lab DNA Unit. \$387,930 for Boston Police Forensic DNA Crime LabImprovements.
6. Michigan HB 5282 & SB 978 -- \$2.3 million (+) for DNA analysis program (including payroll for 19 full time employees). \$921,100 grant to Detroitfor crime lab and other special purposes.
7. Minnesota HB 2892 - Eliminates statute of limitations if the offense is reported within 72 hours after being committed (due to use of DNA technology).

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8. Mississippi SB 2610 - Post conviction DNA testing
9. Missouri HB 1108 -- \$377,698 grant to St. Louis City and County forensic DNA labs.
10. New Jersey AB 1987 - Expansion of "Megan's Law". Would require DNA samples if sex crime offender's behavior was characterized as "repetitive, compulsive behavior" regardless of the date of conviction. Adds kidnapping and numerous additional sex offenses to the list of offenses for which samples are required.
11. Rhode Island HB 7215 - Expands DNA testing to breaking and entering and assault with a dangerous weapon.
12. South Dakota SB 108 - Post conviction DNA testing.
13. Tennessee HB 3187 & SB 2523 - Post conviction DNA testing.
14. West Virginia HB 4322 - Expands DNA testing to offenses of involuntary manslaughter, extortion, arson, burglary, felony trespass, larceny, and counterfeiting.

Genetic Privacy

15. California SB 1419 - No person or entity may maintain information unique to a person's identity (including DNA) without statutory authority and the individual's informed consent.
16. Missouri HB 1879 - "Pre-existing condition" excludes genetic information absent a diagnosis.
17. Rhode Island HB 7213 - Prohibits employers and insurance from requesting, requiring or disclosing genetic information.

NEWS ARTICLES

Forensic DNA

1. Discussion of new DNA evidence revealing flaws with criminal justice system (Newsweek article, co-authored by Barry Scheck)
2. Statutory limits in NY block prosecution of rape cases – limits should be extended in light of new DNA technology. Reports that NYPD is to outsource 12,000 rape samples to private labs this spring.
3. Georgia's Democratic Lt. Gov. and GOP both claim victory in Senate's passage of all-felon DNA legislation.
4. Australian Police Minister says only guilty should fear plans for DNA sampling of criminals. Legislation to go to Parliament this year.

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5. Discussion of Illinois moratorium of executions due to rash of overturns due to new DNA evidence.
6. Pennsylvania Governor's budget includes \$335,000 for State Police Labs.
7. New Jersey Senate and Assembly Committee approve bill to expand DNA collections to those attempting or convicted of murder, manslaughter and some assault and kidnapping charges.
8. Minnesota court to decide reliability of DNA evidence analyzed by STR.
9. DNA mismatch in Britain's criminal database.
10. US Senator campaigns to provide safeguards in capital murder cases in light of Illinois moratorium and case overturns from new DNA evidence.
11. Debate on how to broaden Megan's Law a hot issue in New Mexico Legislature - GOP version would require sex offenders to provide DNA samples, but Democratic measure does not.
12. Colorado State Senator says judges' decisions to exempt some felons from DNA database would be a mistake.
13. New DNA evidence showing flaws in criminal justice system.
14. US Deputy Attorney General discusses Dept. of Justice FY 2001 request for \$35 million for general forensic lab improvements and \$15 million for DNA backlog.
15. White House considers request for federal execution moratorium.

Genetic Privacy

16. Indiana Senate passes bill to prevent the unauthorized use of a person's DNA for research or genetic manipulations.
17. President Clinton bans use of genetic makeup in federal employment
18. Text of President Clinton's Executive Order banning federal employment discrimination based on genetic makeup.