

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 18, 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. Kentucky and West Virginia have introduced bills that would expand DNA databases.
2. Senator Leahy's bill (articles 6 and 11) would require that all federal inmates have access to DNA testing. This bill (S. 2073) has received a lot of press and if it begins to move, it would seem appropriate to amend the bill to require that such offenders submit DNA samples for database purposes.
3. New Mexico legislature may look closely at tracking sex offender DNA during the interim.
4. Hot issue this week need to extend statute of limitations or have the ability to issue unnamed warrants due to the ability of DNA technology. See Missouri bills and articles 9, 10, and 12.

STATE LEGISLATION

Forensic DNA

1. Colorado HB 1410 Department of Public Safety appropriations. Laboratory appropriations -- \$18,000 for "Genetic Markers", \$154,800 for "Laboratory Equipment".
2. Kentucky HB 671 "sexually motivated" offenders must register as sex offenders, including DNA sample.
3. Maryland HB 1081 crime evidence, including DNA, must be properly stored and may not be destroyed without a court order.
4. Minnesota SB 2912 allows for complaints to be filed against unnamed persons with DNA evidence.
5. Minnesota SB 2924 extends statute of limitations for homicides other than murder and certain sexual offenses.
6. Minnesota SB 3189 extends statute of limitations for kidnapping.
7. Minnesota SB 3191 lengthens statute of limitations for kidnapping to 9 years.
8. Minnesota SB 3192 eliminates statute of limitations for kidnapping.
9. West Virginia SB 465 adds arson, property destruction and stalking to offenses requiring DNA samples.

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Genetic Privacy

10. Kansas HB 2914 carriers may not disclose genetic test results.
11. Maryland HB 793 prohibits genetic discrimination in the workplace.
12. Maryland SB 748 prohibits genetic discrimination in the workplace.
13. New York SB 6564 "genetic predisposition" can not be a consideration for health coverage.
14. Rhode Island SB 2510 prohibits insurance companies from requiring DNA tests as a condition of insurance.

NEWS ARTICLES

Forensic DNA

1. GOP Presidential debate discusses death penalty with references to new DNA technologies.
2. "Time" questions Gov. Bush's unflinching support of death penalty (in light of new DNA technology and resulting exonerations.)
3. Louisiana legislature to consider a bill to give compensation to a man wrongly convicted (exonerated by DNA) and a bill to allow other inmates access to DNA tests under certain conditions.
4. Australia ACT government considering civil liberties concerns in new DNA legislation samples from people eliminated due to inquiries or acquitted would be destroyed.
5. California Proposition 15 would allow \$220 million bond to upgrade local crime labs.
6. White House Press Briefing President considering Leahy bill that calls for DNA testing for all federal inmates on death row.
7. Virginia might relax 21-day rule that prevents consideration of exculpatory evidence (even DNA) beyond 21 days after sentencing.
8. Sacramento County (CA) charging unknown man with rape based on DNA evidence.
9. Wisconsin issues arrest warrant for unnamed rapist backlog around the country is over 500,000.
10. Iowa to extend statute of limitations on rape cases with DNA evidence.
11. Bill by US Sen. Leahy to allow criminals access to DNA testing of blood, semen or tissue from crime scenes.

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12. Discussion on whether there should be a limitation on the prosecution of crime especially due to new DNA technology.

13. "Cleared by DNA testing? Not so fast" Some still in prison despite exonerating DNA evidence. Mentions case of mismatch in Britain.

14. New Orleans PD to receive \$4.2 million for crime lab expansion and headquarter renovations.

15. Ontario Centre for Forensic Sciences helps police solve crime focuses on DNA technologies.

16. John Gerdes continuing to have success in refuting DNA evidence called "merchant of doubt".

17. New Mexico legislation to strengthen sex offender statutes passes without provision to allow the state the authority to track sex offenders by DNA samples. Likely to be an interim study issue.

18. British mismatch case: "Crime appeals may soar as expert admits tests not conclusive".

19. California Attorney General says \$5.45 million for state DNA lab is his #1 priority in the budget.

Genetic Privacy

20. Support for Presidents ban on genetic discrimination urges Congress to pass similar legislation for the private sector.

21. "Discrimination goes high-tech" supports Presidents executive order banning genetic discrimination. Rep. Slaughter (D-NY) has introduced bill in Congress for private sector.