

## 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.

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

The March 10, 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, on behalf of PE Biosystems.

### COMMENTS

1. Connecticut, Florida and New Jersey have introduced legislation that would expand their DNA databases. The Connecticut proposal is particularly expansive -- all fingerprintable arrests.
2. The Arizona and South Dakota DNA database expansion bills were both acted upon this week (articles 1 & 5, respectively). Florida's DNA database expansion bill received media attention as well in article 9 (FL legislature just convened on Mar. 7).
3. Senator Leahy's post conviction bill before Congress received more press this week (articles 6 & 7).

### STATE LEGISLATION

#### Forensic DNA

1. Connecticut HB 5877 -- Expands DNA database to include testing of all fingerprintable arrests.
2. Florida HB 683 & SB 1618 -- Expands definition of "lewd & lascivious" conduct, which is an offense specified in law for DNA collection.
3. Florida HB 1597 -- Expands DNA database to include burglary.
4. Maryland Executive Order 4 -- Creates a Statewide Forensic Science Task Force. Among other duties, Task force will make recommendations on new equipment and technology and will review the quality of existing forensic services.
5. Minnesota SB 2396 -- Post conviction DNA analysis.
6. New York AB 9690 -- Extends statute of limitations if crime is reported within 30 days and there is DNA evidence.
7. New Jersey AB 2178 -- Post conviction DNA analysis.
8. New Jersey SB 439 -- Expands DNA analysis requirements to include convictions of: murder, manslaughter, 2nd degree aggravated assault, kidnapping, luring or enticing a child, sexual conduct which would impair or debauch the morals of a child. Includes juveniles, attempted offenses, and not guilty by reason of insanity convictions.

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### Genetic Privacy

9. California Preprint AB 6 -- Permits certain insurers to disclose individual identifiable customer health and medical and genetic information, as specified.
10. Florida SB 1580 -- HMO's may not discriminate based on genetic information.
11. Florida SB 1900 -- Manage care organizations may not discriminate based on genetic information.

### **NEWS ARTICLES**

#### **Forensic DNA**

1. Arizona Senate Committee passes post conviction DNA testing bill. House Appropriation Committee passes bill to include homicide, burglary and certain weapons charges in DNA database.
2. Oklahoma execution granted a stay in light of contradicting DNA evidence.
3. Virginia Senate passes bill to expand time for inmates to introduce exculpatory evidence from 21 days after conviction to 45 days after conviction.
4. Minneapolis judge rules that new PCR STR test method can be used in court.
5. South Dakota Governor signs bill requiring DNA samples from inmates who have committed specified offenses.
6. Discussion of moratorium on executions -- several states are taking a closer look at problems related to the justice system. City of Philadelphia has passed a resolution calling for a statewide moratorium. Mentions Sen. Leahy's post conviction bill.
7. Review of presidential candidates' (hypothetical) positions on Sen. Leahy's post-conviction bill.
8. Old DNA helps solve cold case in Ft. Lauderdale -- discussion of usefulness of DNA databases.
9. Florida Dept. of Law Enforcement wants DNA samples from burglars. Good discussion of DNA databases and backlog problems.
10. Albany (New York) State Police lab sees increasing tension between law enforcement and civil rights advocates regarding use of DNA.
11. Albany (New York) forensic center to expand -- 65 new DNA scientists to be hired.
12. North Georgia College and State University (Lumpkin County) selected for proposed site for a satellite Georgia Bureau of Investigation crime lab -- expected to cost \$4.2 million.

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13. Utah charges unknown rapist based on DNA evidence.
14. Georgia Bureau of Investigation announces plan for modern crime lab in Richmond County, Georgia.
15. Tennessee House Judiciary Committee passes post conviction testing bill.
16. Barry Scheck urges Wisconsin lawmakers to order DNA evidence be saved.