

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 March 17, 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. DNA expansion bills in Connecticut (articles 2 & 9), Florida (articles 16 & 27), Georgia (articles 14 & 25) and Kentucky (article 19) received legislative and media attention this week.

STATE LEGISLATION

Forensic DNA

1. Michigan SB 594 (Enacted) – Expands DNA databases to include murder, 1st-4th degree criminal sexual conduct, assault with criminal sexual intent, and kidnapping.
2. Pennsylvania SB 1 – Appropriates \$303,000 for DNA Lab improvement.
3. Utah SB 1 – Appropriates \$1.636 million for state crime labs.
4. Washington SB 6404 – Appropriates \$50,000 on the condition that HB 2491 (post-conviction testing) is enacted.

Genetic Privacy

5. Idaho SB 1567 – Prohibits genetic discrimination in insurance and employment.

NEWS ARTICLES

Forensic DNA

1. Argues that Canada needs both post conviction DNA testing and sampling of entire prison population for inclusion in database – “In Britain they protect the innocent. Only in Canada do we protect the guilty. Pity.”
2. Connecticut police back bill requiring DNA samples from all arrestees.
3. Nevada Supreme Court says law requiring DNA samples from burglars is constitutional.

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4. Georgia Senate agrees with House that a man cleared of a rape conviction by DNA evidence is due reparations.
5. DNA taken from children of missing woman in an effort to identify a body.
6. Convicted Massachusetts rapist says DNA tests exonerate him.
7. Tennessee House passes a bill that allows for post conviction DNA testing.
8. New York DNA database gets first "cold" hit from a sample given by a robbery convict. Hit links convict to a murder committed 20 years ago.
9. Connecticut Judiciary Committee is considering all arrestees bill – key legislator voices concern of sample being used against people for health insurance matters.
10. Article looks at the problems with statutes of limitation in light of new DNA technology – mentions efforts in New York, California and Milwaukee.
11. Article by Senator Leahy on his post conviction DNA testing bill.
12. Report on New Zealand's study of DNA "mistakes" – author is in favor of using DNA testing, despite past problems.
13. California statutes of limitation bill is expected to pass House easily – could be contested in Senate by defense attorneys. Comparison of statutes of limitation laws in CA, CO, NJ, NY and TX.
14. Editorial – "A bill that would require all Georgia felons to give DNA samples to the state is a bit much."
15. California Proposition 15 fails (would have supplied \$220 million for crime labs). Many labs will have to continue contracting out for services because they cannot get accredited.
16. Discusses Florida bill to add burglary to DNA database. Bill's cosponsor calls it a "good centrist issue".
17. New federal law in Canada allow DNA sampling exemption for persons convicted of only one homicide.
18. Discussion of Senator Leahy's bill and the death penalty.
19. Kentucky is considering bill to let judges decide if certain crimes are sexually motivated (and therefore subject to DNA testing) – Some say bill is unconstitutional.
20. Reports in New Zealand show DNA "botchups". Contaminated evidence implicates an innocent man and exonerates a guilty man.

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21. "Public defenders are not immune form malpractice suits" – Defender who did not test DNA evidence is sued for malpractice.
22. Virginia bill to extend "21 day rule" is dropped for this year – sponsor hopes to get more than the Senate-approved 45 day extension next year. Legislation seen as needed in light of new DNA technology.
23. Man in Oklahoma fighting extradition of his DNA sample to New Mexico for comparison against murder evidence.
24. Indiana Governor seeks death penalty review. Review is not expected to be ready in time for the 2001 legislature.
25. Both the House and Senate in Georgia have approved legislation requiring DNA samples from all convicted felons.
26. US Supreme Court refuses to lift the stay of execution granted to man who believes DNA evidence will overturn his conviction.
27. Democratic legislators in Florida form coalition to fight "liberal" label. Agenda approved by the group includes bill requiring DNA samples from burglars.

Genetic Privacy

28. Iceland licenses US company to study the medical records (including genetic information) of its citizens.
29. Washington legislature may not act on privacy bills (which includes privacy of DNA information). State senator is attempting to have the bill included as an initiative on the November ballot.