

DNA LEGISLATION & NEWS

**Smith
Alling
Lane**

1025 Connecticut Ave. # 1021
Washington, D. C. 20036
202-258-2301

1102 Broadway Plaza # 403
Tacoma, WA 98402
253-627-1091

*A Professional Services Corporation
Governmental Affairs
Attorneys At Law*

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 May 5, 2000 DNA legislative and media report is listed below.

These reports are prepared by Tim Schellberg and Lisa Hurst of Smith Alling Lane (253) 627-1091, on behalf of PE Biosystems. Text of legislation can be obtained by following the appropriate state-link at this site: <http://www.ncsl.org/public/sitesleg.htm>. Please see the appropriate media website for the newspaper articles.

COMMENTS

The Georgia expansion bill has now been signed by the Governor, and lawmakers in California and Arizona are considering augmenting their spending levels on crime labs.

Washington State inmates now have access to post conviction testing, and local media urges support for a Missouri bill to allow such testing. Thee proposed federal legislation for post conviction testing gets airtime on CNN and is mentioned in several articles around the nation.

The Wisconsin is still attempting to pass a bill to extend the statute of limitations for sex crimes.

STATE LEGISLATION

Genetic Privacy

1. California SB 2797 -- Underwriters or sellers of insurance for "loss, harm, damage, illness, disability, or death" may not disclose the **genetic** history of a customer for use with regard to the granting of credit.

NEWS ARTICLES

Forensic DNA

1. "Justice Can Never Come Too Late." Washington Post, May 3, 2000.
Op-Ed – availability of DNA evidence makes author question the rationale for statutes of limitations. Argues that justification for keeping a statute of limitations in place no longer exists.
2. "Gore 2000 Fact Sheet: Keeping Families Safe and Secure from Crime." US Newswire, May 2, 2000.
Campaign literature states – in very general terms -- that Gore supports additional funding for upgrades to crime labs to help local authorities catch criminals.
3. "**DNA** evidence leads to arrest in 1980 rape and slaying." Associated Press State & Local Wire, May 2, 2000.
In Florida, DNA evidence from a washcloth taken from the crime scene identifies a suspect for a 20-year-old murder case. The suspect then confessed after he was picked up by police.

DNA LEGISLATION & NEWS

**Smith
Alling
Lane**

1025 Connecticut Ave. # 1021
Washington, D. C. 20036
202-258-2301

1102 Broadway Plaza # 403
Tacoma, WA 98402
253-627-1091

*A Professional Services Corporation
Governmental Affairs
Attorneys At Law*

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.

4. "Suspect charged in 11-year-old murder." Associated Press State & Local Wire, May 2, 2000.
An inmate (serving time for bank robbery) has been charged with a 1988 unsolved murder case in Oregon. DNA evidence from a discarded mask and shirt have linked the suspect to the crime.
5. "DNA evidence is questioned." The Advocate (Baton Rouge, LA), May 2, 2000.
A letter to the editor sees hypocrisy in defense lawyers arguing that DNA evidence is not useful in some cases, and in other cases using the same type of evidence to free convicted felons. Charges that people should question the new "DNA defense." "After all, it could be just another ploy used by criminals and their fast-talking lawyers to beat the system."
6. "The Death Penalty on Trial: Are Innocent People Being Put to Death?" CNN, May 2, 2000.
Guests include Rep. Jesse Jackson Jr. and Rep. Asa Hutchinson. Rep. Hutchinson (R-AR) argues that a death penalty moratorium bill being sponsored by Rep. Jackson (D-IL) is not necessary because wrongful convictions are not a nationwide problem. Rep. Hutchinson supports a post-conviction DNA testing bill sponsored by Rep. Delahunt.
7. "Scottsdale, Ariz., May Bring Bond Referendum to the September Polls." The Bond Buyer, May 1, 2000.
City Council was to decide whether to bring a \$464 million bond referendum to voters on Sept. 12. Proposal includes \$29 million for a city crime lab.
8. Editorials. New Jersey Law Journal, May 1, 2000.
Recent Appellate Court decision (denying an inmate's request to order the state to produce rape kit evidence) should be read within narrow limits. Cautions that the case should not be "used as a precedent that DNA evidence material to the issue of guilt or innocence should not be received simply because the defendant has confessed."
9. "Death Row inmates, lifers to get DNA aid." The Seattle Times, May 1, 2000.
Washington has recently enacted a new law that allows inmates on death row and serving life sentences to have access to DNA testing if certain qualifications are met. Tests will be available in June and can be taken by persons convicted before Dec. 31, 2002 – after that, DNA issues must be raised at trial. Defense lawyer criticize the restrictions on who may have tests taken.
10. "DNA tests to be forced on suspects." Sunday Telegraph (London), April 30, 2000.
In England, a new Police and Security Bill will authorize officers of inspector rank and higher to take DNA samples from suspects without their consent.
11. "Does DNA Proof of Innocent People on Death Row Justify a Moratorium on Executions?" CNN, April 30, 2000.
Hosted by Jesse Jackson with Barry Scheck as a guest. Jackson and Scheck discuss need for inmates to have access to post conviction DNA testing. Discusses the "Innocent Protection Act" legislation being sponsored by Sen. Leahy and Rep. Delahunt that would require post conviction DNA testing.

DNA LEGISLATION & NEWS

**Smith
Alling
Lane**

1025 Connecticut Ave. # 1021
Washington, D. C. 20036
202-258-2301

1102 Broadway Plaza # 403
Tacoma, WA 98402
253-627-1091

*A Professional Services Corporation
Governmental Affairs
Attorneys At Law*

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.

12. "Executing the Innocent." St. Louis Post-Dispatch, April 30, 2000.
Urges support for Missouri's SB 678, which would allow inmates better access to DNA evidence testing, and calls on the House Speaker to allow the bill onto the calendar. Also calls for a moratorium on executions.
13. "Lawmakers returning to finish business." Wisconsin State Journal, April 30, 2000.
Wisconsin Legislature returns to finish work on 9 bills – one of which would extend the statute of limitations for prosecuting sex crimes when new DNA evidence is found. Finding agreement for this bill is said to be a "sticky" issue.
14. "Barnes hails **DNA** sample bill as powerful new crime-fighting tool." Associated Press State & Local Wire, April 29, 2000.
Georgia's Governor Barnes has signed DNA legislation that would require DNA samples from all felons. Touted as giving law enforcement the ability to solve hundreds of crimes, and in preventing hundreds more.
15. "DNA links convict to 1998 rape, murder." Los Angeles Times, April 28, 2000
DNA samples from a victim's body have been matched against a sample in California's database, resulting in a "cold hit". Database currently has DNA profiles for 38,000 felons. Attorney General is pushing the Governor for more funding to reduce backlog, hire more staff and improve the system. The lab expects to be checking 12,000 samples per month and will have a databank of 200,000 profiles by next year.
16. "Cold Case Unit uses new technology to solve old crimes." Associated Press State & Local Wire, April 27, 2000.
Cold Case Units are starting up in municipalities around the US – due largely to the ability of new DNA technologies to solve old crimes. A Chicago unit has used DNA technology to identify 25 murderers in the past year.
17. "NT government to spend \$5.5 mln on **DNA** lab." AAP Newsfeed, April 27, 2000.
Australia's Northern Territory government will spend \$5.5 million to build a high-tech lab to enhance its DNA testing.
18. "Feingold: Stop death penalty now; Bill seeks national moratorium." Capital Times (Madison, WI), April 27, 2000.
US Sen. Feingold (D-WI) has introduced a bill to impose a moratorium on executions at the state and federal level. Meanwhile, Rep. Jackson (D-IL) has introduced legislation that imposes a 7-year moratorium "until a more sophisticated method of DNA evidence testing is devised."
19. "Profile leads to convictions in LA serial rape cases." Daily Press, April 27, 2000.
In Louisiana, after a tip from an anonymous caller, a discarded cigarette butt was collected from the suspect. The DNA analysis on the saliva matched DNA evidence in 6 rape cases.

DNA LEGISLATION & NEWS

**Smith
Alling
Lane**

1025 Connecticut Ave. # 1021
Washington, D. C. 20036
202-258-2301

1102 Broadway Plaza # 403
Tacoma, WA 98402
253-627-1091

*A Professional Services Corporation
Governmental Affairs
Attorneys At Law*

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.

20. "Balancing privacy, public good." USA Today, April 27, 2000.
Article suggests that civil libertarians are "going overboard" with their objections to the use of certain public safety / crime fighting technologies -- including forensic DNA analysis and expansion of DNA databases. Asks "Is the best way to maintain the difficult balance between individual rights and the common good -- especially public safety and public health -- for civil libertarians to push their arguments to such extremes?" Article ends with: "Extremism in the protection of liberty is a vice."
21. "GBP 1.7m **DNA** booster; Police labs to share crime detection cash." Daily Mail (London), April 26, 2000.
Scottish police are to receive 1.7 million pounds to increase DNA testing of criminal suspects. Funds will also pay for 15,500 DNA samples to be taken from offenders for inclusion in the database. Police officials had recently complained loudly about the lack of funding for DNA analysis.
22. "Funding Crime Labs." The Orange County Register, April 20, 2000.
Editorial clarifies that the paper's earlier position in opposition to Proposition 15 -- which would have spent \$220 million in bond funding for state crime labs -- was an objection to the nature of bonds, not to the need for more crime lab funds. Urges lawmakers to restore a \$220 million crime lab funding provision that was taken out of California SB 1425, and to enact the bill.
23. "Motion to Compel the release of evidence decade after trial for DNA testing was rejected." New Jersey Lawyer, April 17, 2000.
New Jersey Appellate Court finds that "the defendant failed to 'show enough to compel' post-judgment **DNA** testing at this 'late date,' especially in light of the 'overwhelming evidence' of his guilt and the nature of the crimes."

Genetic Privacy

24. "Insurers, clients alike to benefit from genetic data." The Gazette (Montreal), May 1, 2000.
Editorial makes arguments for why insurers should be allowed access to genetic testing information. Results of genetic tests will not make risks disappear, but insurers should have the same access to health information as customers or potential customers. Says that any proposals for change in the insurance industry should be based on realities, not assumptions.
25. "Capital Report." Pennsylvania Weekly, May 1, 2000.
Pennsylvania Senate is considering a bill that would protect the confidentiality of the collections, retention use or dissemination of information based on genetic tests. A hearing is scheduled for May 8 and the committee may move the bill soon.
26. "DNA cards will hold a patient's genetic data." The Vancouver Sun, May 1, 2000.
Prototypes of a wallet-sized card that could hold a person's genetic information are being promoted in Canada by Glaxo Wellcome. Card could be used by doctors to prescribe medication.
27. "Senate takes another look at medical privacy issues." Bioworld Today, April 27, 2000.
A US Senate health care committee is taking another look at issues surrounding medical records and individual privacy. Need for protection of genetic information was mentioned in testimony.

DNA LEGISLATION & NEWS

**Smith
Alling
Lane**

1025 Connecticut Ave. # 1021
Washington, D. C. 20036
202-258-2301

1102 Broadway Plaza # 403
Tacoma, WA 98402
253-627-1091

*A Professional Services Corporation
Governmental Affairs
Attorneys At Law*

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.

Paternity

28. Article by Christian Science Monitor discusses problems arising from "fathers" required to pay child support, even after DNA testing has concluded the they could not be the parent. Some legislatures are trying to create a solution.

29. "Man stuck on proving skull belonged to alien baby." He has not yet raised enough money to pay for DNA tests that he believes will prove a skull he found is an alien-human crossbreed.