

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 Applied Biosystems. As part of the firm's representation weekly reports are generated which identify recent state and federal legislation and news articles. Applied 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 September 29, 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 Applied 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

Both Illinois (twice) and California used DNA to link various crimes to the same suspect. Florida has convicted the first homicide "cold hit" it received through the state DNA database. Scotland may be expanding its DNA database to include arrestees and Britain is receiving additional moneys to process DNA evidence from crime scenes.

Also in this week's report is a story of a man on Connecticut's death row (for a murder conviction) who was recently linked to an unsolved murder in New York – as Connecticut does not collect DNA from murderers, the New York murder may have gone unsolved if the inmate had not bragged to the media.

The Pennsylvania House has introduced a post conviction DNA bill, and Texas prosecutors have teamed up to draft proposed legislation for post conviction DNA testing. New Hampshire has received its first inmate request for post conviction testing. Investigators in Georgia were criticized for poor labeling of DNA evidence, and innocence centers around the US are concerned with the poor handling, and sometimes destruction, of DNA evidence used in convictions.

STATE LEGISLATION

Forensic DNA

1. Pennsylvania HB 2772 – Provides for post conviction DNA testing under certain circumstances.

Genetic Privacy

2. Pennsylvania HB 2747 – Prohibits discrimination in insurance coverage on the basis of genetic information or a request for genetic services.
3. Pennsylvania HB 2748 – Prohibits genetic discrimination in certain practices, such as employment and housing.

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NEWS ARTICLES

Forensic DNA

1. "Crime Lab blasted in Felker case." The Atlanta Journal and Constitution, September 27, 2000.
DNA testing on evidence used to convict James Felker (who was executed in Georgia in 1993) is being conducted by Forensic Science Associates of California. The lab is criticizing the state for vague testimony and poor handling of the evidence, which the lab says is making DNA testing of the appropriate evidence nearly impossible. At trial, 22 of 180 hairs found on the victim's body were said to have been similar to Felker's, but none of the hairs from the trial were labeled.
2. "VA: Gilmore Hit For Holding Death Row Inmate's DNA Tests." The Bulletin's Frontrunner, September 26, 2000.
The Richmond Dispatch has criticized Virginia Governor Gilmore for his reluctance to release recently conducted DNA tests for a former death-row inmate. Critics say that the governor is "playing politics" and believe that the new test results exonerate the inmate. The governor's office has said that the test results have "prompted further questions" for which the governor is awaiting answers.
3. "DNA case may put N.H. convictions to test." St. Louis Dispatch, September 26, 2000.
The New Hampshire has received its first inmate request for post conviction DNA testing. The state attorney general believes they convicted the right man and is fighting the request. The AG further believes that granting this request will open the floodgates frivolous requests from other inmates. The man was convicted in 1973 for committing murder and is serving a life sentence.
4. "Straw Announces Crime Watch On Young Offenders." Press Association Newsfile, September 24, 2000.
A United Kingdom official recently announced that in addition to the £109 million being spent to collect DNA samples from over 3 million criminals for the national database, the government will also spend £59 million to help police collect and process more evidence from crime scenes.
5. "A boom in innocence centers focuses on the claims of inmates." The Associated Press State & Local Wire, September 23, 2000.
Discusses the proliferation of innocence centers around the nation and their work to free the wrongly convicted. The article reports that in many cases the investigation will reach a dead end because rape kits and other DNA evidence have been routinely destroyed.
6. "Single Suspect Possible In Several Rape Cases." The San Francisco Chronicle, September 23, 2000.
DNA has linked a series of rapes in Northern California, occurring over the span of five years, to one unidentified man.
7. "Prosecutors: 61-year-old Tampa man fathered baby of 11-year-old." The Associated Press State & Local Wire, September 22, 2000.
Prosecutors will use paternity tests from a one-month-old child to prove that a 61-year-old man raped the child's mother (an 11-year-old girl).

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8. "Bell funds prisoner's DNA test for justice." The Times (London), September 22, 2000.
In the UK, a Member of Parliament is providing half of the funds necessary to pay for a DNA test for a constituent who is serving 10 years in jail for rape. The initial DNA tests was a six-strand test, and the inmate is requesting a 10-strand test which the police now routinely use.
9. "Suspect in attacks on Asian women pleads innocent." The Associated Press State & Local Wire, September 21, 2000.
A man has been arrested and charged with 212 criminal counts ranging from sexual assault to hate crimes charges in the attacks on 10 Chicago-area women. The man was arrested upon his arrival in the Philippines after police tracked him down using a victim's report on his car and license plate numbers. DNA evidence links the man to three of the crimes, and DNA from blood on a shirt found from a search of the suspect's car and apartment matches one of the victims. All 10 women identified the man in a line-up.
10. "Ross indicted in 1982 murder in New York." The Associated Press State & Local Wire, September 21, 2000.
DNA evidence from a serial killer on Death Row in Connecticut has linked the man to an unsolved murder in New York. The link was not made through CODIS [Connecticut does not collect DNA samples from murderers] but rather from a BBC interview with the inmate in which he claimed he had killed at least one person in New York for which he has not been charged. Upon this confession, a DNA sample was taken and compared crime scene evidence from the victim who was kidnapped, raped and killed in 1982.
11. "Everett Found Guilty In Pahokee Woman's Slaying." The Palm Beach Post, September 21, 2000.
The first Florida homicide suspect who was tied to a crime using DNA profiles has been convicted of second-degree murder. The man had originally submitted his profile in 1995 after a sentence for committing a lewd and lascivious act on a child. The man has been arrested a total of 22 times since 1986.
12. "Prosecutors seek DNA testing rule." San Antonio Express-News, September 21, 2000.
Several Texas prosecutors have collaborated to draft proposed legislation to establish a uniform procedure for allowing post conviction DNA testing. To be eligible for testing, the defendant must have pleaded not guilty, identity must have been a contested issue in the trial and biological evidence that can demonstrate innocence must still exist.
13. "Edmond police sell DNA kits to parents." The Daily Oklahoman, September 20, 2000.
The Edmond, Oklahoma police have stopped selling fingerprinting kits to parents – which are considered messy and do not usually capture quality prints – and now sell only DNA kits. The kits (which sell for \$5.55) are encouraged for children, but are also useful for Alzheimer's patients
14. "Blanket Testing Of DNA Set To Cover All Crime." Evening News (Edinburgh), September 18, 2000.
Police in Lothian and Borders (Scotland) may soon be taking DNA samples from anyone who is arrested for any crime and taken to the police station. Currently, police only collect samples for sex offenses, violent crimes, house-breaking and race-related incidents. Lothian and Borders Police have collected nearly 13,0000 samples since the database was established two years ago, and the force was recently granted £300,000 by the Scottish Executive to spend on its DNA strategy.

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15. "Voters Approve 5 Of 9 Bonds; Scottsdale Plans Improvements." The Arizona Republic, September 13, 2000.

"Voters overwhelmingly approved a \$29 million crime lab and storage center that will give police space to process evidence."

16. "DNA could tie old assaults, new suspect Police think they've got the man who raped women in parking lots." Chicago Daily Herald, September 12, 2000.

The Illinois DNA database has linked a twice-convicted sex offender to an unsolved sexual assault, and the man is a suspect now in nine other similar cases dating back to 1996. In at least one of the cases, the statute of limitations has run out, but prosecutors hope to use the information as an aggravating factor against the suspect. The man is currently charged with sexual assault, vehicular invasion, aggravated kidnapping, and armed robbery.

Genetic Privacy

17. "Survey: Citizens Oppose Access To Medical Records." National Journal's Technology Daily, September 26, 2000.

Recent Gallup poll results: 78% of Americans feel it is "very important" that medical records be kept confidential; 93% oppose allowing medical or government researchers to study individual genetic information without a person's permission; 92% are against government agencies seeing their medical records without asking; and 82% object to insurance companies gaining access without consent.

18. "DNA -rights defenders: Get off my genetic property Money creates conflict of research vs. privacy." USA Today, September 25, 2000.

Discussion of the commercial aspect of genetic research and who owns genes – "Do you own what is unique to you, even if you don't know what's unique to you?"

19. "British Oversight Board Considers Whether to Let Insurers Use Genetic Reports." Daily Mail, September 24, 2000.

In Britain, the Government-appointed Genetics and Insurance committee is meeting to decide if insurers may use the test for Huntington's Disease. The decision could help clear the way for the use of genetic tests for other conditions, but could also reignite national debate on how much access insurers should have to genetic profiles.

20. "Geneticists discuss Estonia's ambitious gene bank plan." AP Worldstream, September 21, 2000.

Geneticists recently discussed plans for an Estonian national gene bank. Advocates argued that it could improve understanding of diseases, and critics argued that it is a waste of money in a country still struggling with basic health needs. The government has approved \$200 million proposal to digitally store the genetic codes of at least two-thirds of the 1.4 million population and sent it to parliament, where it is expected to win easy approval.

21. "Al Gore Promises Medical Record Privacy Protection." National Public Radio, September 20, 2000.

Discussion on Gore's stance on medical record privacy. Quotes Gore as saying,, "I will fight to make it illegal to use genetic information to discriminate against someone seeking a job, a promotion or health insurance." Says that Gore believes that people will not participate in medical research because they fear that their genetic information could eventually be used against them.

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22. "Conference on genetics brings experts to U. Michigan." University Wire, September 20, 2000.
The National Conference on Genetics and Public Health was recently held at the University of Michigan. The two-day conference explored of the impact that genetic information and technology have on the field of public health.

Paternity

23. "DNA Test Agony For IVF Clinic Mothers." Daily Record, September 25, 2000.
A test tube blunder at an in vitro fertilization lab, in which a number of eggs disappeared, may mean that 39 couples may have begin fertility treatments all over again. Additionally, the lab is offering free DNA tests to 10 parents to confirm that they have the right babies.