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The October 12, 2001 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

A new Pennsylvania bill would make the current DNA database statute and any subsequent amendments retroactive. An article highlighted Kentucky's problems with DNA backlogs and discussions of expanding the offender database. Articles highlighted the successes of DNA databases in Georgia and Maryland, and "cold hits" identified criminals in Washington, Florida, Wisconsin and Virginia.

New Hampshire has introduced a bill to increase access to post-conviction DNA testing. Post conviction DNA cases are in the news in Mississippi and Illinois, and in a Virginia case prosecutors have admitted that evidence has already been destroyed.

European ministers continue to discuss an international DNA database. An Australian territory is considering an expansion of its DNA database, and a DNA database in Ireland should be established soon. Canada has released a report on its DNA database and the Pakistan government may be establishing a forensic DNA program.

STATE LEGISLATION

Forensic DNA

1. New Hampshire HB 1258 -- Permits a person to petition the court for post-conviction DNA testing of biological material under certain circumstances
2. Pennsylvania SB 1089 – Makes current DNA database statute and any subsequent amendments retroactive to include persons already incarcerated on the effective date of the act.

Genetic Privacy

3. New Hampshire HB 1290 -- Establishes that an individual's genetic information and DNA sample are the property of the individual, and creates certain procedures for the retention, destruction, and use of genetic information and DNA samples.

NEWS ARTICLES

Forensic DNA

1. "Bosnia missing persons panel to help identify WTC victims." Agence France Presse, October 9, 2001. The International Commission on Missing Persons (ICMP), which has been investigating the fate of thousands missing in Bosnia's war, will help identify victims of the New York World Trade Center attack. Three ICMP specialists, two Bosnians and a US citizen, will travel to the US to "share ICMP knowledge and experience." The ICMP would also give American authorities access to its database which matches DNA isolated from victims' bone marrow with that from blood samples of living relatives.

2. "Connecticut forensic laboratory helps identify victims of attacks." The Associated Press State & Local Wire, October 9, 2001.
According to Connecticut forensic scientist Henry Lee, workers at the Connecticut Forensic Science Laboratory are helping New York City officials identify victims of the attacks on the World Trade Center.
3. "Liberals propose justice overhaul, higher penalties." Canberra Times, October 8, 2001.
In the Australia Capital Territory, the Liberal Government is planning to ask the Parliament for extra funding of \$1 million a year for DNA testing and new technology.
4. "Murder Trial Of Two Bangladeshis Deferred To Nov 12." Malaysia General News, October 8, 2001.
In Malaysia, the Magistrate's Court deferred to Nov 12 the trial of two Bangladeshis charged with murdering seven family members. The date was deferred after the Senior Deputy Public Prosecutor informed the court that the prosecution had not received the DNA report to proceed with the case.
5. "Cops Bank On DNA." The Mirror, October 8, 2001.
In Ireland, approval for a DNA databank has been given to the Justice Minister who is now awaiting word from government advisors on how and when he can implement the bank. Concerns with whether the state can force criminals to provide blood samples in order to get a DNA record must be addressed.
6. "A Genetic Blueprint for Justice; N.Y. Seeks Help of Celera, Bode to Identify Attack Victims." The Washington Post, October 8, 2001.
Discusses the private forensic lab (Celera, Bode and Myriad) participation in DNA analysis of the World Trade Center victims. The labs are doing the analysis at reduced rates and are not expecting to make any profit from the analysis. Celera, which will be conducting mitochondrial work, must wait for accreditation as a forensic lab before it can begin analysis.
7. "DNA technology reveals past mistakes." The Associated Press State & Local Wire, October 7, 2001.
DNA has the ability to either prove guilt, once and for all, or to exonerate the innocent and put the police on the trail of the real perpetrator. Discusses several Oklahoma cases that could benefit from the finality that DNA testing could bring.
8. "State Police labs hurt by increasing workload." The Associated Press State & Local Wire, October 7, 2001.
Reports that the Kentucky State Police Lab has significant problems keeping up with case backlogs due to staff shortages, and the Legislature is considering expanding the state's DNA analysis requirements to include more felons. The state police wants more money for staff if a DNA expansion is enacted, but legislators are indicating that the state police have been neglecting the lab out of its own budget and simply needs to
9. "Liberals want DNA tests on all prisoners." Canberra Times, October 6, 2001.
In the Australian Capital Territory, the Liberal Government is calling for the DNA database to include all prisoners. The database would be part of a new Crime Scene Investigation unit which would cost \$2 million to set up with ongoing costs of \$1 million a year for police officers to retrieve, analyse and catalog DNA from crime scenes. Currently, DNA samples may only be taken from persons sentenced to two or more years in prison.
10. "Prosecutors Admit DNA Evidence Gone." Daily Press, October 6, 2001.
In Virginia, state prosecutors have acknowledged that DNA evidence in a capital murder case was wrongly destroyed, but they said the material had no bearing on the inmates March 2000 conviction. The Virginia Supreme Court has already upheld the man's conviction, and the US Supreme Court declined to review the case. Nonetheless, defense attorney's say that the missing evidence hampers other avenues of appeal that are still open to the case.
11. "European Justice Ministers Agree To Cooperate Against Terrorism." Turkish Daily News, October 6, 2001.
The 24th European Justice Ministers Conference, held in Moscow, has come to a close with the adoption of a plan envisaging a tighter cooperation against terrorism. Among other things, the plan calls for the "making of a DNA database."

12. "Based On DNA, Inmate Charged With 2 Rapes." Seattle Post-Intelligencer, October 5, 2001.
In Washington state, a man already in prison has been charged with two rapes from 1997 after DNA testing connected him with the attacks. The man is currently in prison on a robbery conviction.
13. "Lawyers in noted murder case await new DNA test results." The Associated Press State & Local Wire, October 5, 2001.
In Illinois, a man who was convicted of murder in 1992 has won an appeal for additional DNA testing. In the original trial, the man was convicted based largely on the strength of DNA evidence. However, the man's attorneys claim that the semen sample taken from the victim's body was too small for the DNA test that was used in 1992, which experts say requires a relatively large sample to be effective. The defense hopes that new DNA testing will reveal that the man was wrongly convicted.
14. "Noxubee coroner to reopen Kennedy Brewer case." The Associated Press State & Local Wire, October 5, 2001.
Prosecutors in Mississippi have reopened a murder case for which a man has already been convicted. The man is on death row and has already lost two appeals, but recent DNA tests indicated that he was not the murderer. The man will likely be granted a new trial, and prosecutors are starting from the beginning with questioning of suspects.
15. "Federal Solicitor General tables National DNA Data Bank first annual report in Parliament." Canada NewsWire, October 5, 2001.
Canada's Federal Solicitor General has released the RCMP's first annual report on the National DNA Data Bank. The Solicitor General said, "the National DNA Data Bank has proven, beyond question, the tremendous value of leading-edge science in helping law enforcement stay ahead of criminals."
16. "Head, legs from same body DNA testing proves scattered parts related." The Denver Post, October 5, 2001.
Authorities in Colorado have determined that a head and legs found in different parts of a county belonged to the same unidentified person. The torso has not yet been found.
17. "Davis signs third Dustin's law." The Fresno Bee, October 5, 2001.
Among the bills recently signed by California Governor Davis is a bill that sets up a partnership among the state Department of Justice, California State University and University of California to train forensic scientists and DNA analysts to work in state and locally run crime laboratories.
18. "DNA continues to haunt convicted rapist." Milwaukee Journal Sentinel, October 5, 2001.
After being convicted of two rapes in 1997, a man who claimed, "I can't wait until years down the line when we see that this DNA evidence isn't all they claim it to be," has now been linked to a third unsolved rape through the power of DNA. The man is still challenging his original conviction and the state Supreme Court will hear the appeal in November.
19. "Warrant allows test of DNA in rape case." The News and Observer (Raleigh, NC), October 5, 2001.
Police in North Carolina have obtained a search warrant to draw blood from a man accused of raping a 13-year-old Arkansas girl he'd met in an Internet chat room. The man faces federal and state charges that include statutory rape, kidnapping and being an out-of-state fugitive.
20. "DNA database will be important crime fighting weapon, police say." The Associated Press State & Local Wire, October 4, 2001.
Only 10 people have been arrested in Maryland as a result of DNA database matches, but police and prosecutors believe that the database will become an increasingly important tool as the database matures. The Maryland database includes most violent crimes, including robbery but not burglary. The state database has 13000 samples, plus a backlog of 3000 samples awaiting analysis and another 6000 prisoners who still need to be tested.
21. "More Judicial Reforms Under Way, Says Minister." Business Recorder, October 4, 2001.

In Pakistan, the Minister for Law and Justice commented that, "The forensic tests are outdated and no government made efforts to provide facilities like DNA testing," she said, adding "now we have started to make budget allocations to better the working of police."

22. "42 arrests credited to DNA database 50 of 55 solved cases were rapes." The Florida Times-Union (Jacksonville, FL), October 4, 2001.
The Georgia Lieutenant Governor announced that forty-two violent criminals have been arrested so far this year in Georgia thanks to an expanded DNA database. The Lt. Gov. praised the state legislature for enacting legislation that requires DNA from all convicted felons.
23. "Sex Offender Charged In Woman's Slaying." The Orlando Sentinel, October 4, 2001.
A "cold hit" on Florida's DNA database has led to the arrest of convicted sex offender for a murder and arson committed in August of this year. The man's previous convictions include sexual battery, kidnapping and robbery with a firearm.
24. "State Workers On Strike." Star Tribune (Minneapolis, MN), October 4, 2001.
Close-up on the lack of animosity between striking and non-striking crime lab workers in Minnesota. The special agents, who are classified as law enforcement and therefore unable to strike, are the only ones left to man a new \$5.75 million complex which began accepting forensic evidence (including DNA) the same day that the strike began. All the forensic scientists and clerical secretaries are on strike.
25. "Parkfairfax Rapist Gets 75 Years in Jail." The Washington Post, October 4, 2001.
In Virginia, a man who raped three women and terrorized a community in the early 1990's has been identified through a "cold hit" on the state's offender DNA database. The man's previous convictions consisted mostly of drug offenses.
26. "Court Dismisses Rape Confession, But Upholds Conviction On DNA." The Commercial Appeal, October 3, 2001.
The Tennessee Court of Criminal Appeals has found that a man convicted in 2000 of raping an 89-year-old woman was improperly held without charge for five days. The court threw out his confession but upheld his conviction in part because of DNA evidence linking him to the crime.

Genetic Privacy

27. "Black lawmakers to hold summit on genetic research." The Associated Press State & Local Wire, October 5, 2001.
At a summit sponsored by the Pennsylvania Legislative Black Caucus on minorities and the human genome project, lawmakers are discussing whether DNA research could help close a wide health care gap between blacks and whites. However, they also worry insurance companies might engage in "genetic profiling" to drive up rates for minorities.
28. "Actuaries say genetic info needed to set premiums." Employee Benefit News, October 1, 2001.
Experts lined up by the American Academy of Actuaries warned Congress that legislative proposals limiting access to genetic testing information would hinder insurers' ability to provide affordable health insurance.