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The October 19, 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

The Illinois Attorney General is recommending expansion of the state DNA database to include convicted terrorists. The struggle to build a new crime lab in the Los Angeles area made headlines, as did a story on the city's and county's backlog of unanalyzed rape kits.

Successes of cold case squads were in North Carolina, California, New York and Texas were discussed, and a "cold hit" on Georgia's database has linked an unsolved rape to a convicted burglar.

Post conviction DNA testing efforts in Idaho, California, Texas and Oklahoma were in the news.

Interpol hopes to establish a system for international checks on DNA databases, and Scotland will be taking DNA from all arrestees. A Canadian appeals court has upheld a search warrant for a DNA sample, and the Government may expand the DNA database to include convicted terrorists. A Japanese high court has ruled that DNA evidence is enough to convict a man of murder. An Australian state has netted 72 "cold hits" from its new DNA database.

STATE LEGISLATION

Paternity

1. Florida SB 240 (prefiled) -- Prohibits entry or enforcement of an order of child support when DNA tests indicate that the person against whom the order is sought is not the child's parent, unless that person has adopted the child.

NEWS ARTICLES

Forensic DNA

1. "Divided appeal court rejects challenge of DNA warrants." The Lawyers Weekly, October 19, 2001. In a sharply divided opinion, the Alberta (Canada) Court of Appeal has concluded that "the search for the truth, and the influence of DNA evidence on that search, is of sufficient importance to warrant overriding the deeply rooted principle that the accused need not participate in the case against him or her." The case in question involved a man who was appealing an ex parte warrant that ordered him to submit a DNA sample, which eventually led to his arrest and conviction.
2. "India: C-DAC's Automated System For DNA Analysis." Business Line, October 17, 2001. India's Centre for Development of Advanced Computing (C-DAC), in collaboration with the Centre for DNA Fingerprinting and Diagnostics (CDFD), has developed a software program that will help speed up the manual requirements for forensic DNA testing. The new automated system assists with things such as generating a final report.
3. "Parolee presses to overturn murder conviction on DNA evidence." The Associated Press State & Local Wire, October 16, 2001.

A man paroled after spending half his life in prison for a 1977 murder is asking the Idaho Court of Appeals for a new trial to show DNA evidence proves he was not the killer. DNA tests conducted in 1997 did not match the DNA of semen samples taken from the victim's body.

4. "Highlights of Jim Ryan's proposed anti-terror legislation." The Associated Press State & Local Wire, October 16, 2001.
The Illinois Attorney General's anti-terrorism package for the state includes a provision that would require those convicted of terrorist-related acts to submit blood to the confidential statewide DNA database.
5. "Police to get new powers: Terrorism bill opens door to 'preventive arrests'." The Gazette (Montreal), October 16, 2001.
New anti-terrorism legislation introduced in Canada will allow police to require DNA samples from terrorists.
6. "Detective says old, cold slayings need special police squad." The News and Observer (Raleigh, NC), October 16, 2001.
The Raleigh, North Carolina Police Department Investigative Division is pushing for the creation of a cold case squad to revisit old, unsolved cases.
7. "Stogner defense takes issue with tests; Expert says tainted DNA 'does happen'." The Times-Picayune (New Orleans, NC), October 16, 2001.
In Louisiana, defense attorneys in a murder/rape case are arguing that FBI tests of DNA indicating were "just as likely" to be the result of contaminated evidence. The defense's expert witness criticized the lack of contamination protections used by the FBI lab when conducting DNA tests of evidence and samples from suspects and victims. However, on cross-examination, the expert conceded that she has never seen the FBI lab or the area in which the tests were conducted.
8. "New rules regarding mug shots take effect today." The Associated Press State & Local Wire, October 15, 2001.
New Jersey has become the first state to require that all police agencies use a sequential method when they show mug shots to witnesses, rather than displaying an array of suspect photos. The recommendation originated from the U.S. Justice Department in 1999, after a report found that many cases overturned after DNA evidence was used relied heavily upon witness identification of suspects.
9. "Robbers Are Unveiled." Bristol Evening Post, October 15, 2001.
In England, a gang of robbers was caught by detectives who traced DNA from a discarded pair of tights that had been used as a mask. The suspects were identified through the national DNA database.
10. "Agencies Split on Sharing Crime lab." Los Angeles Times, October 15, 2001.
A Los Angeles city report found that disagreements between the Los Angeles Police Department and the Los Angeles County Sheriff's Department had over the sharing of personnel, equipment and space have delayed construction on the new crime lab by 7 months and has cost \$1.5 million. The departments are working together much better these days and will at least be sharing space but not personnel, but every additional month of delay is costing over \$200,000 in inflation.
11. "Interpol DNA net." The Times (London), October 15, 2001.
Entire article reads: Police searching for a terrorist or murderer may soon be able to check DNA from an unidentified suspect against millions of records held by nearly 30 countries. The checks would be made using a database that Interpol hopes to set up at its headquarters in Lyons.
12. "DNA tests link 72 Qld inmates to crimes." AAP Newsfeed, October 14, 2001.
In Queensland, Australia, required DNA testing has linked 72 inmates to unsolved crimes through the new national DNA database.
13. "DNA technology, database help crack open cold cases." The Dallas Morning News, October 14, 2001.
The Arlington, Texas police are looking at cold cases in hopes of making new matches from the national DNA database. Article explains how CODIS can be used to solve old crimes.

14. "Let's Stand Up And Be Identified; What's Your Problem With Id Cards? Do You Have Something To Hide?" The Toronto Sun, October 14, 2001.
Editorial on national ID cards in Canada concludes with, "I am even willing to volunteer DNA for a national registry, and would have the courts collect DNA from all people convicted of anything more major than speeding. Not only would this help in identification after major crashes, it would aid in solving crime because too much of our crime is committed by repeat offenders. Most of us have nothing to hide. So let's make it easier for our guardians to concentrate on those who do."
15. "Justice in a Deep Freeze." Los Angeles Times, October 13, 2001.
Reports that Los Angeles County has about 1200 untested rape kits, and the City of Los Angeles has about 2500 untested rape kits. Scientists at the local labs are overwhelmed with the workload and ever-increasing demand for more DNA testing. Article recommends that "the Board of Supervisors and the City Council should immediately fund extra staff and equipment for the crime labs." For the long term, the article suggests that the city and county need to work out their disagreements so that the new crime lab building can be built and occupied.
16. "Parolee guilty of 20 charges including rape." Sacramento Bee, October 13, 2001.
A man in California has been convicted of rape, thanks in part to DNA evidence which helped authorities identify him. Neither of his victims was able to identify their attacker, but DNA evidence linked the attacks to the man who was arrested as he was walking out of a state prison for violating parole associated with a previous rape conviction.
17. "91 slaying evidence will be tested for use in 2nd trial." Chicago Tribune, October 13, 2001.
Evidence from a 1991 murder for which a Chicago, Illinois man was convicted and sentenced to life in prison will undergo DNA testing to see if it can be used in a second murder case for which the man is awaiting trial.
18. "Man pushes for DNA tests 19 years after conviction for rapes." The Associated Press State & Local Wire, October 12, 2001.
A Houston, Texas man who was convicted of being a serial rapist is asking for DNA tests which he believe will exonerate him. Apparently, blood tests that were only recently found indicate that the inmate does not match the semen found on several of the victims.
19. "DNA testing laws giving hope to inmates who claim innocence." The Associated Press State & Local Wire, October 12, 2001.
Article discusses several post conviction DNA cases in Oklahoma and reports that a growing number of states are enacting laws to allow inmates greater access to post conviction DNA testing. According to Barry Scheck, post-conviction DNA testing has freed 94 people nationwide. When Texas enacted its law this year, officials estimated 50 inmates a year would request the testing. Six months later, requests total 190.
20. "City Leads Crime Fight With New Forensic Lab." Birmingham Post, October 12, 2001.
A new forensic laboratory has been opened outside of Birmingham, England. The head of Civil Service said, "This state-of-the-art building is arguably the leading research and development site for forensic science, particularly DNA technology, anywhere in the world."
21. "Fighting By Cell Crime Cell." Birmingham Evening Mail, October 12, 2001.
Report on the new forensic lab in Birmingham, England, which will cost 20 million pounds in rent for the next 15 years and will employ 300 people, including the 120-strong research and development team. Researchers at the lab are said to be working on hand-held DNA scanners.
22. "Government Plans Second Anti-Terror Package Campaign Against Terrorism." Handelsblatt, October 12, 2001.
In German debate over compulsory inclusion of fingerprints in personal identification documents, the Greens party expert on internal affairs argued that recent advances in science meant that the use of fingerprints for

identification purposes was now open to abuse because genetic information could now be isolated from fingerprints. The Interior Minister and a government data-protection expert dismissed these concerns.

23. "Taking a New Look at Old Cases With DNA." Los Angeles Times, October 12, 2001.
The Los Angeles District Attorney's office has established a new forensic sciences division that is reviewing old cases for possible evidence for new DNA tests. This office is leading the effort to solve old cases and eliminate the backlog of DNA cases at area police agencies. The office has already solved at least one old case. The office is also starting a post conviction unit that will handle requests from inmates seeking new DNA tests. The Los Angeles County Superior Court has received about 100 letters asking for such tests.
24. "Suffolk Police Arrest Neighbor In 1996 Killing of Teenager." The New York Times, October 11, 2001.
In New York, a cold case squad solved a 1996 death after conducting new DNA tests on old crime scene evidence.
25. "DNA Of DINA Chemist Being Tested In Uruguay." Santiago Times, October 11, 2001.
Forensic examinations in Uruguay are shedding new light on the identification of disappeared chemist who was a former member of the Pinochet-era National Intelligence Directorate (DINA) secret police. An Uruguayan judge has ordered DNA samples from the man's mother and father be collected for analysis and comparison to blood taken from a body found in 1995 that was thought to be the missing chemist.
26. "DNA Database Leads To Rape Indictment." The Augusta Chronicle, October 10, 2001.
The Georgia DNA database has linked an unsolved rape from 1996 to a man currently in prison. The man was in prison due to a burglary conviction in 1997.
27. "DNA evidence shatters death-sentence appeal." Mainichi Daily News, October 10, 2001.
In Japan, the Fukuoka High Court backed up a lower court ruling that DNA evidence provided enough proof to give a death penalty sentence to a convicted murderer. "There was no direct evidence linking the defendant to the crime, and his motive for carrying out the crime is unknown," the judge said. "However, it is clear that the defendant was the culprit on the strength of circumstantial evidence available."
28. "Police say boyfriend not suspect in Arensdorf case." Telegraph Herald (Dubuque, IA), October 10, 2001.
In an Idaho murder investigation, authorities have been able to eliminate the victim's boyfriend as a possible suspect after he submitted to a polygraph test and DNA analysis.
29. "DNA on Demand." Reason, October 1, 2001.
Article reports that Scotland's largest police department has announced that officers would take DNA samples from everyone they arrest, no matter how minor the crime. Previously, the police only took DNA from violent criminals, and this new method will likely increase retrieved DNA samples by about 800 a month. The department assures privacy advocates that they will destroy the DNA samples of those found innocent.
30. "Criminal Law and Procedure; Evidence." California Supreme Court Service, September 28, 2001.
The California Supreme Court has ruled that a trial court did not abuse its discretion in admitting DNA evidence derived from a database containing samples from no more than 100 African-Americans.

Paternity

31. "Paternity - DNA testing." Chicago Daily Law Bulletin, October 11, 2001.
The Illinois Appellate Court has reversed a trial court's dismissal of a defendant's complaint challenging paternity ruling. The defendant's action was based on a DNA test proving he was not natural father of plaintiff's child, and there was question of whether two-year statute of limitations barred his complaint.