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The October 26, 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

Kentucky has received its first conviction from a cold hit in the DNA database, and Mississippi hopes to begin accepting DNA cases again early next year.. Maine's DNA lab director has been educating area prosecutors on the importance of the DNA database.

In Florida, a bill eliminating the statute of limitations for DNA cases has been introduced, and the state Supreme Court has chosen to not broaden the post conviction DNA testing laws enacted this year by the legislature. Requests by inmates in Missouri and Massachusetts for post conviction DNA tests have made the news.

Police in Canada have gotten a "cold hit" from the national DNA database. Australian police continue to have successes with their database, while at the same time face backlogs that delay investigations and prosecutions. England's DNA database of missing/unidentified persons is lauded by a victim's mother, and researchers in the UK may be narrowing in on a method for determining some surnames through DNA analysis.

STATE LEGISLATION

Forensic DNA

1. Florida SB 300 (prefiled) -- The statute of limitations for prosecution does not apply to any offense for which DNA evidence was collected at the crime scene.

Paternity

2. Kentucky Bill Request 934 (prefiled) -- Permits the district court to order genetic testing to establish maternity or paternity at the expense of the claimant in the case of abandoned newborns.

NEWS ARTICLES

Forensic DNA

1. "Bolin defense questions DNA link in 1986 killing." St. Petersburg Times, October 24, 2001.
In a New Port Richey, Florida murder trial, defense experts are disputing DNA evidence that prosecutors say links the accused serial killer to a 1986 murder. The defense experts are putting the odds much lower than the prosecution's 1 in 2,100 that the DNA sample is from to the suspect.
2. "Miss. to train personnel to perform DNA tests." The Advocate (Baton Rouge, LA), October 23, 2001.
The Mississippi crime lab is in the process of training 6 DNA analysts, who should complete their training early next year. In the mean time, local agencies are sending their casework to private labs (primarily ReliaGene) at costs of up to \$3,000 per case. Technology changes, budget cuts and loss of personnel have kept the state lab from performing DNA tests. The lab will charge \$100 per test to recoup costs.
3. "Lawyer asks for access to more evidence for DNA testing in rape case." The Associated Press State & Local Wire, October 23, 2001.

A Worcester, Massachusetts Superior Court judge is expected to rule on an inmate's request for immediate testing of all blood and semen samples collected in the investigation that led to his conviction in 1983 of raping his neighbor. Prosecutors have asked that only blood samples be tested at this time. Under a court order issued earlier this year, some evidence was divided between prosecutors and defense for DNA testing. The defense says its portion contained female blood - presumably the victim's - and not enough male blood to test

4. "DNA Tests Clear Man In Australia On Llandarcy Killings." Western Mail, October 23, 2001.
Detectives in Wales investigating the brutal killings of two schoolgirls 28 years ago have eliminated a man in Australia from their inquiries after he submitted to DNA testing.
5. "Tassoni campaign fundraiser to take place next Monday." The Providence Journal-Bulletin (Providence, RI), October 22, 2001.
A Rhode Island State Senator running for election lists his cosponsorship of legislation to expand the state's criminal DNA database as one of his accomplishments.
6. "New law allows inmate to seek DNA testing in 1987 rape case." The Associated Press State & Local Wire, October 21, 2001.
A Missouri man who was convicted in 1987 of rape is hoping that a new state law allowing inmates greater access to post conviction DNA testing will exonerate him of the crime. A hearing on the motion asking for DNA testing of the evidence in Craig's case is expected next month. Under the new Missouri law, if an inmate claimed innocence and had been convicted primarily on eyewitness testimony and there was biological evidence, DNA testing could be used.
7. "On Call; Labcorp Has Major Role Identifying Victims." News & Record (Greensboro, NC), October 21, 2001.
Article reports on Labcorp's participation in the effort to identify victim's from the Sept. 11 terrorist attacks through DNA testing. Labcorp's extensive network of service centers makes the company an ideal drop-off spot for the victims' families, who had been told to bring the victims' personal items for DNA testing. Labcorp donated its services to the New York City Medical Examiner's Office.
8. "Scientists Can Read A Name From DNA." Sunday Mercury, October 21, 2001.
In England, scientists at a Midland university have been able to identify the family name of men through DNA analysis of hereditary Y chromosomes. This study is being closely watched by the Home Office and the Forensic Science Service. This research could eventually supply police with the surnames of suspects. The testing is more conclusive on rarer family names -- testing on surnames such as Smith has been largely inconclusive.
9. "DNA Database Of Bodies Could Be Key." Western Mail, October 20, 2001.
The outspoken mother of a missing woman is telling audiences in the UK that she is hopeful that the government's new missing/unidentified persons DNA database will help her find her daughter. She said that there are around 800 bodies in the UK which have been found but not identified.
10. "Man first in Kentucky to be convicted on DNA evidence." The Associated Press State & Local Wire, October 19, 2001.
A man who police linked to an April rape using DNA evidence has become the first person in Kentucky to be convicted with help from the state's DNA database. The man was in the DNA database due to a rape he committed 15 years ago. Currently, Kentucky collects DNA samples only from convicted sex offenders, and the database contains about 3200 profiles. The database is compared (unfavorably) to the larger, more mature database of its neighbor, Virginia.
11. "State's high court limits DNA testing." The Associated Press State & Local Wire, October 19, 2001.
The Florida Supreme Court has ruled that only criminals convicted at trial - not those who have pleaded guilty or no contest - can ask for DNA testing to clear their names. This ruling is in accordance with the policy enacted by the state legislature earlier this year. The request to make post-conviction DNA testing available to all inmates who could raise legitimate questions about their guilt had been unanimously endorsed by the Florida Bar's board of governors. The court's decision would also let judges, "on a showing of good cause," allow

defendants to have their testing done by an independent lab instead of the Florida Department of Law Enforcement in cases where the defendants can afford outside testing.

12. "DNA Test Points To Killer." Hong Kong Iml, October 19, 2001.
In Hong Kong, DNA evidence found under the fingernails of a murder victim has led police to a suspect. The man was previously a suspect in the murder, but police did not have enough evidence to convict him of the crime in 1995. However, using new DNA testing, authorities feel they can conclusively prove that the man committed the crime.
13. "DNA Databank Leads To Collar." The Toronto Sun, October 19, 2001.
In Canada, the national DNA databank helped Durham police make an arrest in a three-year-old sexual assault. The suspect's DNA was entered into the national database after a conviction of assault causing bodily harm. "It's like winning the lottery," said a local police spokesman.
14. "Cody Police Report Lead In School Vandalism." The Associated Press State & Local Wire, October 18, 2001.
Police in Cody, Wyoming have obtained a DNA sample from a woman suspected of causing \$250,000 in vandalism damages to Cody High School. Police intend to compare her DNA to blood found at the crime scene.
15. "Forensic science funding urged." The Dominion (Wellington), October 18, 2001.
New Zealand's Institute of Environmental Science and Research told Parliament that the nation cannot afford to be complacent about its level of unsolved crime. The institute has 2700 DNA profiles from unsolved crime scenes on the Crime Sample Database, and nearly 2000 crime scene DNA profiles have been positively matched against individuals' profiles on the National DNA Offender Database.
16. "How DNA tilts odds against criminals." Herbert River Express, October 18, 2001.
Police in Queensland, Australia have linked two or more crime scenes on 269 occasions using DNA, and 72 people have been linked to crime scenes through DNA analysis. Authorities still have 3000 additional offender samples to profile and 8000 samples from crime scenes.
17. "DNA Case Clerk Allegedly Warned." Richmond Times-Dispatch, October 18, 2001.
In Arlington County, Virginia, co-workers allege a County Circuit Court clerk arranged for destruction of evidence even though he'd been warned by colleagues it included biological material in a capital murder case involving DNA. At the time the evidence was destroyed, a condemned killer's lawyers were considering further DNA testing and were seeking to have an appeal heard by the U.S. Supreme Court. The attorney general's office maintains that the evidence was overwhelmingly against the inmate and that the conviction did not rely on DNA evidence.
18. "DNA lab chief: Technology boon to prosecutors." Bangor Daily News (Bangor, Maine), October 17, 2001.
The director of Maine's DNA crime lab recently spoke with prosecutors on the advances in DNA technology and a new law that expands the state DNA database to include all convicted felons. He discussed shortcoming with the current system, including the exclusion of juveniles from the database and the 6 year statute of limitations for rape cases. The state's post conviction law has not yet been used by any inmates.
19. "DNA evidence hold-up." Townsville Bulletin, October 16, 2001.
Court proceedings in Townsville (Queensland, Australia) are constantly delayed for up to six months because of hold-ups receiving DNA evidence. Several prominent barristers have suggested that the police forensic facility is understaffed and underfunded. Furthermore, a recent decision to collect DNA from every Queenslanders convicted of a crime has further burdened the system. In at least one case, a magistrate has threatened dismissal if the DNA analysis was not forthcoming after a three-month adjournment
20. "New Database Could Unlock Victims' Identities." The Palm Beach Post, October 14, 2001.
The Palm Beach County Medical Examiner's office is creating a database of missing/unidentified persons, which could someday (but does not now) contain DNA information. Currently, DNA testing on the bodies is considered to be too expensive.

21. "City Is to Build the Largest DNA Lab, for a Grim Task." The New York Times, October 7, 2001.
When opened, New York City's new forensic lab will have 360,000 square feet, 12-stories -- and will cost \$247 million. Ground will be broken on the facility this month.
22. "Bill To Require Background Checks For Nursing Home Workers." Wyoming Tribune-Eagle, October 6, 2001.
In Wyoming, the legislature is considering a bill that would require criminal background checks for all nursing home workers. The bill also would authorize "any other identifying information necessary to conduct the check." When asked, the State Division of Criminal Investigation said that the bill language appeared to authorize the collection of DNA samples, but that was not the practice of the agency.