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The November 2, 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

Georgia's expanded DNA database is credited with 58 "cold hits." Cold hits in Texas, New Jersey, and New York made the news. The New Jersey Governor is requesting additional federal funding for crime lab equipment and DNA testing.

Police in a Rhode Island town have used DNA as probable cause for arrest for the first time. Pennsylvania legislators are considering removing the statute of limitations for rape in hopes that DNA can solve some old crimes.

Court decisions in Maryland and Wisconsin will allow greater access to post conviction DNA testing.

Police in England solve two sexual assaults after routine DNA testing on a man arrested for a fraudulent vehicle excise license tag. In Australia, the state of New South Wales debated the merits of its DNA database, the states of West Australia and South Australia may amend their respective DNA laws to give law enforcement more authority to collect samples.

## NEWS ARTICLES

### Forensic DNA

1. "Routine DNA Test Links Man to Killing." AP Online, October 30, 2001.  
In Texas, an inmate who was set for release in December faces a capital murder charge after a routine DNA blood test linked him to the unsolved 1982 killing of a convenience store clerk. The link was made through a "cold hit" on the state DNA database. The inmates criminal record includes several aggravated robberies and one indecent exposure.
2. "DNA Tests Free Imprisoned Okla.." AP Online, October 30, 2001.  
In Oklahoma, a man whose murder conviction was thrown into question by DNA has been released after serving nearly two decades in prison. Prosecutors may retry the man and note that he had 44 prison infractions, including allegations he conspired with others in the stabbing of another inmate.
3. "Appeals court gives rapist chance to examine DNA evidence." The Associated Press State & Local Wire, October 30, 2001.  
A Wisconsin state appeals court has ruled that a man who claimed he was coerced at gunpoint to help kidnap and sexually assault a woman and then abduct and rob a man should be permitted to examine the DNA evidence presented during his sentencing hearing. The DNA evidence connected the man to two other sexual assaults which were not prosecuted because the victims did not want to testify. The judge ruled that if subsequent DNA testing does not prove a match, then the man can request a new sentencing hearing.
4. "Suspect in 7 rapes arrested." The Atlanta Journal and Constitution, October 30, 2001.  
DNA testing has tied a suspect to seven rapes in the Atlanta area. The man had been arrested for public drinking and was charged the next day when one of his victims identified him from a police photograph.
5. "DNA Test Was Put Off In Yale Student's Killing." The Hartford Courant, October 30, 2001.

DNA tests on fingernail scrapings from a 1998 murder victim were not conducted immediately because the Connecticut state lab did not have access to STR DNA testing at the time. However, the testing has recently been completed and the samples were not a match to the investigation's prime suspect. Police are asking the victims friends and family to provide voluntary DNA samples for elimination testing.

6. "DNA matches predicted early next year - inquiry." AAP Newsfeed, October 29, 2001.  
The New South Wales (Australia) parliament was told that matches between DNA taken from crime scenes and convicted offenders would likely begin to emerge by early next year. More than 7,300 inmates have given samples for the DNA database since the new testing laws came into place nearly one year ago. So far, the state's database has solved only one of an estimated 5,000 unsolved crimes, but authorities have assured law makers that those numbers will increase. The database came under fire when the Police Minister admitted earlier in the year that some of the estimated 15,000 criminal cases for which DNA is still held could be contaminated or not in a form able to be used.
7. "Delaware crime rate continues to fall." The Associated Press State & Local Wire, October 29, 2001.  
The Delaware State Police credited reduced crime rates to "the state's low unemployment rate, congressional support for more police officers and better crime-fighting technology, such as DNA analysis."
8. "Scientists, prosecutors differ on Boston Strangler case." The Associated Press State & Local Wire, October 29, 2001.  
Authorities have recently exhumed the body of Richard DeSalvo who confessed to the crimes of the Boston Strangler. Scientists will be performing DNA and other forensic tests to determine if he was truly guilty of the crimes. The man leading the examination project would not discuss what the team has found so far, but he promised a "blockbuster" report when the research is complete.
9. "Cold case unit breaks 12-year-old murder." The Associated Press State & Local Wire, October 29, 2001.  
A cold case unit in Ocean County, New Jersey has linked DNA from a 1989 murder victim to a suspect.
10. "Wider DNA testing clears unsolved cases in Georgia." The Florida Times-Union (Jacksonville, FL), October 29, 2001.  
In Georgia, fifty-eight crimes have been solved since the state expanded its DNA database. Most of the crimes that have been solved are rape cases, but inmates have been linked to two burglaries, a homicide and a bank robbery. In the bank robbery, the suspect left his DNA on a cigarette butt and a coffee cup. Convicted of another robbery, the inmate was forced to submit a DNA sample, and police linked him to the bank robbery.
11. "Police Link 1973 Murders." Press Association, October 29, 2001.  
Through DNA testing, detectives in Wales have linked the murder of two teenage friends 28 years ago to the death of another 16-year-old girl.
12. "Cracking Crimes Through DNA Tests." The Times of India, October 29, 2001.  
India's Centre for DNA Fingerprinting and Diagnostics (CDFD) has solved hundreds of crime cases around the country. It handled about 293 cases in 2000-01 -- 43% related to parentage, 20% to rape and 28% to identity.
13. "Criticism of DNA database debunked." AAP Newsfeed, October 28, 2001.  
Police in New South Wales (Australia) defend the state's DNA database after a negative report in a Sydney newspaper. The newspaper reported that a retired police officer had been working alone part time to assemble the database, but NSW authorities say 20 new staff had recently been employed to run the hi-tech checking system. "It's not a mickey mouse system... The system is designed to solve crime and it will solve outstanding cases, I state that unequivocally."
14. "WA set for DNA database." Perth Sunday Times, October 28, 2001.  
The Government of Western Australia is expected to enact legislation to allow police to collect and store the DNA of criminals convicted of offenses that carry a jail term of more than a year. The legislation would also allow police to take samples from individuals suspected of committing serious crimes.
15. "DNA fails to pass crime test." The Sunday Telegraphy (Sydney), October 28, 2001.

Sydney, Australia newspaper reports that the Police Commissioner Peter Ryan “conceded the existing database, which is being configured by a lone, retired police officer working on a part-time basis, is not even designed to solve crime.” (This report was rebutted in subsequent articles -- see #'s 6 & 13)

16. “Murder inquiry slows as police wait on crime lab.” The Kansas City Star, October 27, 2001.  
Police in Kansas City say that DNA testing on murder evidence will probably take at least three more weeks. Authorities have a pool of potential suspects and believe the DNA testing could lead to an arrest.
17. “Woman cleared in baby's death.” Chicago Tribune, October 27, 2001.  
Chicago-area police stepped up their investigation of a newborn's death after DNA tests showed that the woman who confessed to dumping the boy after giving birth was not actually his mother. Police do not know why the homeless woman falsely confessed, but noted that she has a psychiatric condition.
18. “Man's DNA leads to arrest in rape case.” THE Associated Press State & Local Wire, October 26, 2001.  
In a Providence, Rhode Island rape case, police have used DNA as evidence for probable cause to arrest someone. Police had earlier obtained a search warrant for the man's blood, saliva and hair, which were used to link to man to two rapes.
19. “Evidence Storage Overwhelming Courts.” Los Angeles Times, October 26, 2001.  
With about 15,000 criminal and civil trials each year, California courthouses are running out of room to hold exhibits and case files. The current crisis is largely blamed on a recent court order which prohibits the destruction of old evidence because attorneys may need additional time to determine which cases contain clothing or other materials containing DNA evidence that might be used to overturn wrongful convictions. For the most part, sensitive materials like blood spatters or fingerprints remain in the custody of police crime labs, not courthouse storage rooms.
20. “DNA Procedure Helps Close Painful Chapter For Victims— Families.” The Record (Bergen County, NJ), October 26, 2001.  
Eight victims from the World Trade Center attack have been identified through DNA testing. City forensic experts estimate that as many as a million DNA samples will have to be tested and that the process could take a year to complete.
21. “Governor makes pitch for \$916 million wish list.” Gannett News Service, October 25, 2001.  
New Jersey's Governor has been meeting with the state's congressional delegation and House and Senate Leadership to make sure the state's needs are not overshadowed by New York's request for aid. Included in New Jersey's \$ 916.2 million request for federal aid is \$14 million “to upgrade forensics equipment and DNA testing at state laboratories.”
22. “Suspect in 12-year-old murder case returning to Orange County.” The Associated Press State & Local Wire, October 24, 2001.  
Authorities have solved a 1989 New York murder and rape through a “cold hit” on the national DNA database. The murder and rape from the 1989 New York case was matched to a rape that occurred in Colorado in 2000 through the database, but authorities did not get a “cold hit” on a suspect. Investigators in New York and Colorado pursued leads which eventually led to DNA testing on cigarette butts discarded by suspects. The DNA test results eliminated one suspect, and identified the culprit.
23. “Md. DNA rule to go into effect in January.” The Baltimore Sun, October 24, 2001.  
A broad Court of Appeals rule permitting the reopening of criminal cases at any time based on new DNA and other scientific evidence will take effect across Maryland in January. The rule goes beyond legislation enacted this year, which eliminated a one-year time limit for felons convicted certain crimes to seek post-conviction DNA testing. This rule erases the time limit for all inmates and covers scientific evidence beyond DNA.
24. “Bill Eliminates Statute Of Limitations In Rape Cases.” Pittsburgh Post-Gazette, October 24, 2001.  
Two Pennsylvania state legislators from Philadelphia are pushing to remove the statute of limitations on rape cases, saying DNA tests can help solve the old cases clogging police dockets.

25. "Plea on DNA laws." Sunday Mail (SA), October 21, 2001.  
Police in South Australia are requesting amendments to the state DNA laws in order to be able to make better use of them. Investigators say they are experiencing problems in applying current laws dealing with collection of DNA samples, resulting in low numbers of profiles held on record.
26. "Jekyll And Hyde Sex Beast Is Jailed." Bristol Evening Post, October 18, 2001.  
Police in England have solved two brutal sexual attacks after a routine DNA test taken from a man who had been arrested for a "dodgy tax disc" (that is, a fraudulently altered vehicle excise licence tab on his car.) The first crime had been committed in 1990.

### Genetic Privacy

27. "We Are Our Genes--Not!" World and I, November 1, 2001.  
Lengthy article arguing: "Given the complexity of relationships between our genetic makeup, intracellular networks, and environmental factors, it is wrong to assume that genes are the ultimate determinants of our abilities, health, and destiny."
28. "We Are Our Genes--Not! How Will Genetic Tests Be Used?" World and I, November 1, 2001.  
"In the future, the real hazard will not be the threat of state-sanctioned eugenics policies but a weak government response in regulating insurers, employers, and social agencies to prevent discriminatory practices designed to avoid liability and enhance profits."
29. "We Are Our Genes--Not! History of Discrimination." World and I, November 1, 2001.  
Brief article arguing that there is a strong potential for genetic discrimination, particularly given the history in the United States of allowing it to happen.
30. "Insurers could break gene-test ban." Sunday Times (London), October 28, 2001.  
The Association of British Insurers' announcement of a moratorium preventing insurers from using genetic-test results for five years is being criticized as something that can be easily, and secretly, sidestepped by insurers.
31. "Lawmakers wants Utah to protect DNA data from being misused by insurers." The Associated Press State & Local Wire, October 25, 2001.  
The Utah Legislature may consider a bill that would require informed consent from a patient before a DNA sample could be taken for genetic analysis and restrict what medical insurance providers can be told about the results. It would also establish state guidelines for genetic privacy and discrimination.

### **FEDERAL REGISTER**

32. Final grant guideline for Fiscal Year 2002 State Justice Institute grants includes "particular interest" in programs that "Educate State court judges, law clerks, and staff counsel about capital case law, DNA evidence, and other legal and scientific issues related to the trial and appeal of capital cases."