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The November 23, 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

An Illinois judge has ruled that mitochondrial DNA evidence can be presented at trial. The New Hampshire state crime lab continues to work towards accreditation. Two New York Times articles debated whether doctors should help law enforcement collect DNA. Serial offenders were linked to several crimes in California and Chicago.

In Massachusetts, a bill has been introduced to extend the statute of limitations when DNA evidence is available. Prosecutors in Pennsylvania continue to push for similar legislation in their state.

Construction funding for some California crime labs may face reductions or be financed by alternative methods due to budget shortfalls.

Hospitals in Florida and Oregon are offering DNA samples to parents of newborns for safekeeping.

DNA from a dog and from dandruff have solved crimes in England, and from a bottle in Germany. Filipino authorities are preparing a DNA dragnet for all suspects and witnesses in a murder case, and a British murder investigation will be asking all males in a certain community for DNA in the search for a killer. An Australian police official has suggested a DNA database for the entire population.

STATE LEGISLATION

1. Massachusetts SB 2179 -- Extends the statute of limitations for sexual abuse cases to one year after the perpetrator is positively identified through DNA evidence.

NEWS ARTICLES

Forensic DNA

1. "Dog's DNA Used in London Murder Case." AP Online, November 20, 2001.
In Great Britain, prosecutors have used a DNA sample taken from a dog to help convict a man of stabbing a London bouncer to death. The dog was injured in the struggle and left a blood trail. The DNA testing was conducted at a laboratory in New York.
2. "Man jailed for life for murder and rape of girl that shocked Germany." AP Worldstream, November 20, 2001.
A man who raped and murdered a girl in Germany has been convicted. He was linked to the attack through DNA evidence found on a bottle at the crime scene. The man had several previous convictions for stealing cars. This case prompted some German politicians to call for collecting DNA from the entire adult male population - an idea that was firmly rejected by the government.
3. "Forensic staff shortages lead to criminal case delays." The Irish Times, November 20, 2001.
In Ireland, Almost 5,000 criminal cases are being delayed for up to six months because of staff shortages in the State's forensic science laboratory. The staff increases recommended by an independent consultants' report in 1999 still have not been implemented. The same 1999 report recommended a national DNA database.

4. "Ventura County May Face \$22-Million Budget Deficit, Official Warns." Los Angeles Times, November 20, 2001.
In Ventura County, California, the County Executive Officer is considering which programs to cut in order to address the county's \$22 million deficit. Among items under consideration for elimination is a \$3-million redesign of the county's crime lab.
5. "Facing Off: Of Doctors and Detectives; Should Physicians Help Law Enforcement Authorities Conduct 'DNA Dragnets'?" The New York Times, November 20, 2001.
After interviewing a forensic scientist and a professor of medical ethics, the columnist presents arguments in opposition to physician involvement in law enforcement DNA collection. The physician-patient relationship should be sacrosanct, and discusses potential privacy risks associated with DNA databases.
6. "Facing Off: Of Doctors and Detectives; Should Physicians Help Law Enforcement Authorities Conduct 'DNA Dragnets'?" The New York Times, November 20, 2001.
After interviewing a forensic scientist and a professor of medical ethics, the columnist presents arguments in favor of physician involvement in law enforcement DNA collection. Doctor's are already allowed to forcibly collect blood alcohol samples -- without a search warrant -- from persons suspected of drunk driving incidents. The 13 markers used in forensic DNA databases do not give us any health information about the donor.
7. "City to Build Forensic Lab." Newsday (New York, NY), November 20, 2001.
The Mayor of New York City and the city's Medical Examiner have broken ground on a new \$247 million crime lab, which will open at Bellevue Hospital Center near the end of 2004. "DNA analysis has proven to be an indispensable tool in the fight against crime," Giuliani said. The city used DNA technology in the investigation of 30,000 crimes in 1999, the latest year for which data are available, compared to 12,000 nationwide by the FBI.
8. "Positive ID; A DNA Sampling Program Gives Parents And Law Enforcement Officials Another Option For Identifying Abducted Or Injured Children." The Stuart News / Port St. Lucie News (Stuart, FL), November 20, 2001.
In Florida, 43 hospitals and birthing centers and six county health departments use the Child Identification Program, which gives parents the option of having a blood sample of their newborn's DNA taken immediately following birth. The program was created by the Department of Law Enforcement's Missing Children's Advocacy Board and is designed to be another identification tool for law enforcement officials to use if fingerprints are not enough to help in a child abduction case or during an accident or tragedy. The program is optional and parents keep the DNA sample.
9. "Police hope DNA advances lead to clearing of unsolved murders." The Associated Press State & Local Wire, November 19, 2001.
New Hampshire officials are working to get their state forensic lab certified by the American Society of Laboratory Directors. Police throughout the state hope that the certification will lead to more cases that can be cleared, with DNA analysis occurring in a more timely manner.
10. "DNA Marks Him For Life: Hospital Provides Babies With Lifetime ID Cards." The Columbian (Vancouver, WA), November 19, 2001.
The Providence Portland hospital in Oregon has started a voluntary DNA collection program for newborns. The DNA sample is given to the parents for safekeeping.
11. "Death penalty study group recommends changes in capital Punishment." The Associated Press State & Local Wire, November 18, 2001.
The Illinois Death Penalty Project recently recommended separating the state crime lab from the state police as one of several measures needed to avoid any miscarriage of justice.
12. "Prosecutors Want More Time To Try Rape Cases." Pittsburgh Post-Gazette, November 18, 2001.

In-depth discussion on the growing movement by states to extend or eliminate the statute of limitations for cases where DNA evidence is available. Prosecutors in Pennsylvania are lobbying the legislature to change the state's five-year statute of limitations on rape.

13. "Mask Uncovers Suspect." *Newsday* (New York, NY), November 17, 2001.
In New York, a man was linked to a murder after DNA was collected from him following a robbery arrest. The DNA sample from the suspect was collected he changed from his orange prison jumpsuit into civilian clothes for a court appearance. The DNA sample was matched to DNA found on a plastic mask that was left at the crime scene.
14. "Mass DNA Tests Planned In Hunt For Man's Killer." *The Northern Echo*, November 17, 2001.
In Great Britain, almost the entire male population of two neighboring villages are being asked to undergo DNA testing as police hunt for a murderer. All males over the age of 14 who are living in the area - a combined total of 800 - are being asked to volunteer for DNA tests.
15. "New DNA-testing system successfully used in Bosnia." *Agence France Presse*, November 16, 2001.
The DNA database system in Bosnia established by the International Committee on Missing Persons (ICMP) to help identify war victims has returned its first successful match. The system matches DNA isolated from victims' bone marrow and blood with that from blood samples of living relatives. The system is also being used in the US to identify victims from the Sept. 11 attack.
16. "California's Budget Cuts Won't Suffice, Analysts Warn." *The Bond Buyer*, November 16, 2001.
California Governor Gray Davis is recommending \$2.2 billion in cuts to the state budget in order to accommodate an expected shortfall. Part of the Governor's recommendation is that an \$82 million regional crime lab in Los Angeles could be funded through state lease revenue bonds instead of the general fund.
17. "Child murder cases reopened as DNA test traps 1968 killer." *The Daily Telegraph* (London), November 16, 2001.
In London, police have solved a 33 year old murder of a child through DNA testing. The perpetrator was identified after he was arrested for drinking and driving in 1999 and a routine mouth swab was taken for DNA analysis. Police around the country are now reviewing unsolved child murder and sexual abuse cases to investigate whether this man has committed additional crimes.
18. "Real Dim Shady; Dandruff Traps Eminem Fan In Botched Sex Attack On Mother." *The Mirror*, November 16, 2001.
In England, an attempted rapist who models himself on rapper Eminem was caught after DNA analysis on dandruff in his baseball cap. The cap had fallen off when he was chased away from his victim by bystanders.
19. "Ryan wants your face and DNA on computer." *AAP Newsfeed*, November 15, 2001.
The New South Wales, Australia Police Commissioner has suggested that Australians should carry identity cards and be listed on a DNA database to help curb crime. The state's Council for Civil Liberties president Cameron Murphy opposed the idea saying police could not be trusted to make sure drug samples make it to court properly, let alone personal DNA samples.
20. "Convicted sex offender indicted in Orlando rape, slaying." *The Associated Press State & Local Wire*, November 15, 2001.
In Orange County, Florida, a repeat sex offender on early release from prison has been indicted on rape and first-degree murder charges in a home invasion death. Detectives said they have DNA evidence linking the man to the crime. When the victim was killed, the offender was on probation for a 1986 rape and robbery. He was on probation for a 1980 rape and false imprisonment when he committed the 1986 crimes.
21. "Statewide manhunt for serial child molester." *The Associated Press State & Local Wire*, November 15, 2001.
Authorities in California are looking for a serial child molester who has been linked to four separate assaults through DNA testing.

22. "Man charged in 7 serial killings." The Associated Press State & Local Wire, November 15, 2001.
A South Side Chicago, Illinois man has been charged with strangling or beating to death seven women in a series of murders that date to 1998. DNA testing has linked the man to each of the seven crime scenes.
23. "Man Faces Charges in 4 Rapes." Los Angeles Times, November 15, 2001.
Police in California believe they have captured a serial rapist who has been linked to three separate rapes through DNA testing. Police will be checking the man's DNA against other unsolved assaults in the area. The man was on parole for a federal drug conviction.
24. "Judge Will Allow Less Conclusive DNA Evidence In Case Involving Rape-Murder Of Child." St. Louis Post-Dispatch, November 15, 2001.
An Illinois circuit judge has ruled that mitochondrial DNA can be used in the trial of a man accused of the rape and murder of a child in 1987. "The techniques or methods current in existence and utilized in mitochondrial DNA testing are capable of producing reliable results in DNA identification and are generally accepted in the scientific community," the judge wrote.
25. "DNA Tests Negative in Rape Case." AP Online, November 14, 2001.
Four men who were convicted of raping and murdering a Chicago student in 1986 are asking to have their convictions vacated due to new DNA tests that indicate they were not involved in the rape. The new tests contradict testimony given by a Chicago police crime analyst who had testified that DNA from the crime scene could have come from one of the defendants.
26. "DNA tests for Nida Blanca suspects, witnesses ordered;." Manila Bulletin, November 14, 2001.
The Phillipine National Bureau of Investigation has ordered DNA tests for all suspects and witnesses in the brutal murder of an actress.
27. "Fixes Hold Up Crime Lab Opening For State Facility In Ripon." Modesto Bee, November 14, 2001.
The opening of a new crime lab in Ripon, California has been delayed for several reasons. Among other measures, officials were tightening security in the DNA lab -- the evidence vaults in particular -- and installed more DNA equipment. The lab will service law enforcement agencies in San Joaquin, Stanislaus, Merced, Tuolumne and Calaveras counties. Additionally, Five more regional crime labs are under construction: Fresno, Santa Rosa, Redding, Riverside and Santa Barbara.
28. "DNA Testing Delay Pits Convict, BSO." The Miami Herald, November 11, 2001.
Relatives of a murder convict who is seeking exoneration through DNA testing have criticized the Broward County (Florida) Sheriff's Office, whose crime lab has not yet isolated enough genetic material to run a successful test after four months of work. Barry Scheck, who is working with the inmate's family, has suggested that the materials be turned over to a private laboratory for the DNA extraction.
29. "Wrongful jailing suit dismissed." Chicago Sun-Times, November 1, 2001.
In Chicago, a U.S. magistrate judge dismissed claims by two men in a civil lawsuit that they were wrongly imprisoned for a 1986 rape and that city officials withheld pertinent police department crime lab reports. They were sentenced to 55 years in prison but were exonerated by DNA evidence.

Genetic Privacy

30. "Research will lead to fascinating, frightening changes in health care." The Associated Press State & Local Wire, November 19, 2001.
Reporter considers the future of genetic applications and the ethical problems that could arise. "Imagine a world in which you carry your entire DNA profile on a plastic card in your wallet, which your doctor could swipe through a machine to make a nearly instantaneous diagnosis. Or a world where such diseases as Alzheimer's, cancer or depression have been cured or controlled with new 'designer' drugs. Now imagine this world - employers and insurance companies able to weed out workers who may be prone to certain diseases; governments or private entities with information on your genetic makeup; the chance to "design" children

before they're born.”

31. “Bill Would Prohibit Genetic Discrimination.” The Salt Lake Tribune, November 16, 2001.
The Utah legislature’s Health and Human Services Interim Committee has approved a genetic discrimination bill designed to safeguard individual DNA codes. A similar bill got stalled during the 1999 Utah legislative session.
32. “Genetics; Genetic Modification.” Post Magazine, November 15, 2001.
From an English newspaper, “The insurance industry's decision to finally agree to a five year moratorium on the use of genetic tests provides the industry with an opportunity to resolve the issues to the benefit of all concerned.” Written by a man who is a member of the Association of British Insurers (ABI) Genetics Committee, and a member of the government's Genetics and Insurance Committee.
33. “Dangers of human genetic info under scrutiny.” AAP Newsfeed, November 14, 2001.
In Australia, public submissions are being invited to contribute to the country’s efforts to enact legislation to protect human genetic information. The Australian Law Reform Commission and the Australian Health Ethics Committee have issued a community consultation paper in the first step of a process instigated by the Federal Government last year.

Paternity

34. “Is DNA test alone sufficient to establish paternity?” The Associated Press State & Local Wire, November 16, 2001.
A Nebraska man is challenging a judge’s paternity ruling. The judge ruled that the man was the father after considering DNA tests that indicated the probability of paternity was 99.99 percent, but never established that he had intercourse with the mother. In a similar case last year, a California appeals court ruled in favor of a man in a paternity case because he proved he had not had intercourse with the mother when the baby was conceived - despite DNA evidence that pointed to him as being the father.