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The November 30, 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 planned crime lab expansion should help clear the backlog of unanalyzed DNA samples. The Ohio Attorney General is supporting legislation to expand the state's DNA database, and plans to encourage the filing of "John Doe" warrants to stop the statute of limitations from expiring.. An article discussed the successes of DNA databasing in Nebraska and Iowa.

A Canadian province is considering a DNA database for prostitutes, and a Canadian news show criticized the "loophole" in the national database law that allows killers and rapists to avoid the database. The successes of DNA database in Australian states made several headlines.

## NEWS ARTICLES

### Forensic DNA

1. "Convicted Offenders' Database Aids Police In The Hunt For Suspects." The Advertiser, November 28, 2001. Police in the territory of South Australia have linked 27 unsolved crimes to suspects through the use of the offender DNA database. In one case, police linked a female offender from the database to 15 incidents of serious criminal trespass. They have also linked 288 different crime scenes.
2. "Error Put Body of One Firefighter In Grave of a Firehouse Colleague." The New York Times, November 28, 2001. DNA testing has shown that a New York firefighter who died during the September 11 attack was mistakenly identified as one of his colleagues who also died that day.
3. "How Democrats Shaped Their Budget Plan." Newsday (New York, NY), November 28, 2001. In Nassau County, New York, the county District Attorney and Medical Examiner recently told council members that the county will save \$200,000 when a DNA lab is completed next year. Costs will be reduced through the use of in-house labs instead of more expensive outside contractors.
4. "Va. DNA Test Proves Inconclusive." The Washington Post, November 28, 2001. Officials in Virginia report that the first post-conviction DNA testing done under a new state law designed to help inmates who claim they are innocent has failed to clear or confirm the guilt of a Newport News man serving 42 years for rape. The Virginia Division of Forensic Science was unable to find enough genetic material on the remaining evidence to reach conclusive results.
5. "Arrest Made In 1988 Case." Albuquerque Journal, November 27, 2001. Authorities in Albuquerque, New Mexico have recently solved a murder from 1988 thanks to new DNA testing. A cold case unit reviewing the case came up with a reason to get a search warrant to obtain a DNA sample from the suspect, which subsequently linked him to the crime. At the time of the murder, the suspect was on unsupervised parole for his involvement in another murder.
6. "DNA check to ensure right man is found." The Daily Telegraph (London), November 27, 2001.

The FBI is to seek samples of DNA from Osama bin Laden's relatives, including his mother, so that it can be sure America gets the right man, dead or alive.

7. "DNA check to ensure right man is found." Dayton Daily News, November 27, 2001.  
The Ohio Attorney General supports a bill recently introduced in the legislature to expand the DNA database to include burglaries, robberies and felonious assault. Additionally, the AG said she'd eventually like Ohio to collect DNA samples from all felons, and plans to encourage prosecutors to file indictments against "John Doe" suspects based on their DNA profiles as a way to stop the clock on the statute of limitations. The ACLU of Ohio is concerned about who has access to the DNA database and what sort of privacy safeguards exist.
8. "Police consider collecting DNA from prostitutes." The Vancouver Sun (Vancouver, WA), November 27, 2001.  
Police in British Columbia, Canada are considering establishing province-wide data bank of DNA donated by prostitutes to help officers identify bodies or other crime-scene evidence when they suspect one has gone missing. The database would be voluntary and would need safeguards to ensure it could only be used in cases of missing or suspicious disappearances of prostitutes. The project is named -- Forensic Identification Registry for Sex Trade workers -- and was started by some police officers in New Westminster. A separate DNA data bank -- one that could be used to identify the women who are already missing -- has been put on hold pending the Liberal government's cost-cutting review of government services.
9. "Crime lab upgrade unclogs 'bottleneck'." The Atlanta Journal and Constitution, November 26, 2001.  
Expansion of the Georgia crime lab is expected to unclog a bottleneck in forensic testing. 10,000 of those 11,700 pending cases were for DNA analysis of samples taken from state prisoners to be put in an offender database that is used to cross-reference evidence collected at the scenes of unsolved crimes. Unfortunately, state budget cuts mean the lab will dump plans to do DNA testing in incest cases and nonviolent cases.
10. "Rapist On The Road." Philadelphia Daily News, November 26, 2001.  
In covering the search for a serial rapist in Philadelphia, the journalist reports "DNA testing, one of the greatest breakthroughs in modern police science, is haphazard and unstandardized across America, making it impossible for many police departments to share DNA information on crimes and suspects. Philadelphia police DNA results couldn't be compared to FBI results or to Fort Collins, Colo., results without special testing." Also, many police departments do not test no-suspect rape kits.
11. "More police set up crime labs to avoid state evidence delays." The Associated Press State & Local Wire, November 25, 2001.  
In South Carolina, more local police agencies are setting up crime labs to avoid waiting for the State Law Enforcement Division (SLED) to test evidence. There are seven local crime labs around the state, most of which are limited to fingerprints and ballistics. SLED hopes that the local labs will continue to grow so that SLED can focus on other matters, such as DNA analysis.
12. "Federal Grant Will Fund Rape Evidence Training." The Commercial Appeal (Memphis, TN), November 25, 2001.  
The National Center for Rural Law Enforcement in Little Rock is using a \$500,000 federal grant to educate police officers about forensic evidence. Only about 50 percent of all reported rapes and attempted rapes are solved each year in Arkansas, and the center hopes to change that. The center is also charged with developing a curriculum that will be used to teach classes across the country on how to collect and use DNA evidence.
13. "Searching for a killer with a DNA data bank." CTV Television, November 25, 2001.  
Canadian television show discusses the national DNA database and the hope that it will help close many unsolved crimes. But the national law is so narrow that many offenders will not be included in the database. To be included, offenders meet one of the following criteria: they've been declared a dangerous offender, they are in prison for murder and have committed more than one murder at different times, or in prison for sexual assault and have committed more than one sexual assault. Includes interview with Florida and discusses that state's success with linking burglars in the database.
14. "High-tech database aids states in solving crimes." Omaha World-Herald, November 25, 2001.

The national DNA database is helping authorities in Iowa and Nebraska solve crimes. Nebraska has samples from about 1,300 convicts in the database, and about 30 crimes that had DNA evidence.

15. "5 Cops Face Action For Refusing To Give DNA." Sunday Mercury, November 25, 2001.  
In England, five cops could be punished by West Midlands Police for refusing to give DNA samples. The Police Federation nationally has agreed with proposals by the Association of Chief Police Officers (ACPO) to DNA-test as many of Britain's 126,000 police officers as possible. The aim is to eliminate them from criminal investigations. To date, only about 40 per cent of the 7,500 officers in West Midlands Police have agreed to give DNA samples.
16. "All SA inmates facing DNA testing." The Advertiser, November 23, 2001.  
The South Australia State Government is likely to introduce mandatory DNA testing of all prisoners. Police say that the current proposal to widen the testing of prisoners convicted of serious offences does not go far enough. SA's existing law on DNA testing allows it to be carried out only on people convicted of an indictable offence which carries a jail term of five years or more, after an application from police or the Director of Public Prosecutions.
17. "National Database; Putting teeth into DNA laws." The Advertiser, November 23, 2001.  
Reports that South Australia is set to expand its DNA database. Gives a good overview of offenders included in the database for other Australian states, and the success of those states in getting "cold hits."
18. "DNA coup in crime fight." The Mercury Hobart, November 23, 2001.  
In Tasmania, Australia DNA sampling of suspects has uncovered more than 330 matches between Tasmanian crime scenes and alleged offenders this year. 3404 offender and suspect samples, and 2405 crime-scene items had been collected between January and October 25 this year. A total of 331 samples have been matched from crime scenes to persons, and 74 matches occurred from crime scene to crime scene. In one instance, DNA from a suspect recently placed on Tasmania's DNA database matched 10 separate crime-scene profiles. All were property offenses.
19. "News Plans To Limit DNA Access." Christchurch Press, November 22, 2001.  
The New Zealand Health Minister has confirmed negotiations between police and the National Testing Centre that will limit police use of a database storing DNA samples from every New Zealander born since 1969. Under the memorandum of agreement, the police will gain access to the database only for cases of missing or unidentified persons.
20. "Agencies Propose Budget Cuts." The Oregonian, November 17, 2001.  
Cuts to the Oregon state budget may mean the closing of some forensics labs. The state is \$300 million short of paying for all the programs approved in the 2001-03 general fund budget

#### Genetic Privacy

21. "Senate unlikely to act until next year on White House call to outlaw human cloning." The Associated Press, November 27, 2001.  
Despite a White House call for Congress to outlaw human cloning, Senate leaders don't plan to bring up the issue again until next year. Some anti-abortion Republicans want at least a temporary ban put into law, but members in both parties said they don't expect action by the Senate before Congress adjourns this year. The House, by a vote of 265-162, passed a ban on cloning in July, after attempts by some lawmakers to exempt research.

#### Paternity

22. "Man fights to sever rights to teen." The Dallas Morning News.  
A Texas man is fighting to sever ties to a teenage son after he discovered through DNA testing that he is not the biological father. During the early days of the divorce (before the DNA testing) the man had sought full custody of his son, but eventually settled on joint custody.