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The November 9, 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 Ohio legislator, with the support of the state Attorney General, has introduced a bill to expand the state offender DNA database to include six additional felonies. Meanwhile, Ohio's DNA database statute is being challenged for the first time. Authorities in an Illinois county are seeking approval from the state Attorney General for a plan to require DNA samples from arrestees at the local jail.

Some interests in the US and in Canada are suggesting that DNA samples be required for certain identification documents, such as visas.

Debate over extending the statute of limitations for rape continues in Pennsylvania. A New York judge berated a local hospital for failing to collect a DNA sample from a victim.

An Illinois judge has ordered post conviction DNA testing for an inmate. A Florida woman was released after four months in jail when DNA testing exonerated her of the robberies, and a former murder suspect is demanding his name be cleared after DNA testing did not match the crime scene sample.

Interpol's DNA database may begin to see more international use thanks to widespread dissemination of a handbook. Anti-terrorism responses in France and Canada include an expansion of the offender DNA database, and Pakistan may be conducting more DNA analysis.

STATE LEGISLATION

Forensic DNA

1. Ohio HB 427 -- Expand the offender DNA database to include burglary, robbery, felonious assault and attempted murder, and allows the state to use the Victims of Crime Compensation Fund to help pay for the expansion.

Paternity

2. Florida HB 379 -- Requires DNA testing of all live births and the maintenance of such records by the Department of Health. Provides that analysis of such DNA records shall be by court order only.

NEWS ARTICLES

Forensic DNA

1. "DNA expert to study evidence in murder case." The Associated Press State & Local Wire, November 7, 2001. In Illinois, a County Circuit Judge has ordered that 11 exhibits from a 1995 murder trial be sent to the state police crime lab to be evaluated by a forensic analyst for the defense. The inmate's attorneys said that some samples collected from the crime scene were too small or degraded to undergo DNA testing at the time of the

trial, but might be identified (and exonerate him) with new technology.

2. "Murder trial stopped after evidence discovered." The Associated Press State & Local Wire, November 7, 2001. A murder trial in which defense attorneys attacked the work of a former police chemist has been stopped after evidence was discovered that might identify the killer. DNA collected from autopsy slides in the 1986 & 1987 murders will be used to determine whether the man convicted of the crime truly committed it.
3. "Company's ID idea nets high-level look." The Arkansas Democrat-Gazette, November 6, 2001. Since the September 11 attacks, many in Congress have been working on making the US visa process more secure. This article reports that a "smart card" is being promoted by an industry group that would use a digital photograph, fingerprint and DNA information to identify foreign visitors.
4. "Suspect demands his name be cleared." The Associated Press State & Local Wire, November 6, 2001. Two weeks after authorities disclosed that DNA found under a murder victim's fingernails did not match the primary suspect, the man is demanding his name be cleared. He claims that he had been willing to provide police with a DNA sample the night he was questioned by investigators soon after the murder in 1998, but police declined his offer.
5. "Let's Not Get Carried Away With ID Cards." The Edmonton Sun, November 6, 2001. A Canadian newspaper reports that the Government is considering the merits of a national ID card for Canada residents and that "stakeholder" groups are calling for the card to contain DNA information.
6. "Judge In Rape Case Condemns Hospital." The New York Post, November 6, 2001. In Queens, New York City, a judge berated a city hospital for nearly botching the case against a "demented" career criminal convicted of sexually brutalizing an 85-year-old relative at knifepoint. At a sentencing hearing the justice said that the hospital displayed "disturbing indifference" by failing to collect DNA evidence. The judge said, "'Hospitals must maintain a supply of rape kits with the same scrupulousness as they maintain a supply of medicines or surgical supplies...jurors in a rape case expect DNA evidence . . . or a reasonable explanation why it does not exist."
7. "Interpol Makes DNA Profiling More Accessible." Panafrican News Agency (PANA) Daily Newswire, November 6, 2001. From Senegal, the article reports that a handbook on DNA data exchange and practice prepared by Interpol has met with success in the law enforcement world. People attending Interpol's International DNA Users' Conference for Investigative Officers will be told of a record high number of DNA hits for down loading the handbook alone.
8. "Ohio legislators want inmates' DNA more accessible." University Wire, November 6, 2001. In Ohio, a state representative and the state Attorney General have introduced legislation that would expand the DNA database to include six additional felony offenses (include aggravated robbery, attempted aggravated murder, attempted murder, burglary, felonious assault and robbery), including those inmates already serving time for those offenses. The database currently includes only aggravated burglary, aggravated murder, attempted felonious sexual penetration, attempted rape and rape, unlawful sexual conduct with a minor, kidnapping and murder. The first-year expense of the expansion is expected to be \$ 1.6 million, which will be covered with \$1 million from the federal government and the additional \$ 600,000 from the Ohio Victims of Crime Compensation Fund (which currently holds more than \$ 30 million).
9. "Jury selection scheduled to start Monday in shipyard slayings." The Associated Press State & Local Wire, November 5, 2001. In a Seattle, Washington murder case, the judge has ruled that DNA cell samples from a nylon holster found in the accused's backpack should be admitted. The holster held the gun that ballistics determined was used in the killing, and the DNA from the holster matches the DNA profile of the accused.
10. "DNA Sanction Against Leading A Life Of Crime." Coventry Evening Herald, November 5, 2001. Police in England are warning the public that that a tiny trace of DNA is all it takes for police to trap the guilty. Article gives several examples of how DNA is used to link crimes together and to the culprits -- including the

match of a rape crime to a man arrested for marijuana possession and a burglar caught by the cigarette butts he left at crime scenes.

11. "Science solves Johnston case." Calgary Herald, November 3, 2001.
In the recent conviction of a Canadian man who killed a woman 19 years ago and raped 5 others, prosecutors called the DNA evidence "critical" to the guilty verdict. Credit was given to the investigators who preserved and maintained the DNA evidence.
12. "Sheriff wants Illinois to sample DNA of arrestees." Chicago Daily Herald, November 3, 2001.
The DuPage wants the county jail to begin collecting DNA from arrestees. The State's Attorney for Dupage County said, "I'm confident constitutionally we can do it.. However, because of the challenges we would anticipate being filed ... I want to make sure we get the stamp of approval first." The State's Attorney is seeking clearance from the state Attorney General.
13. "Deer DNA May Be Evidence." The Orlando Sentinel, November 3, 2001.
In Naples, Florida, prosecutors will try to use DNA samples of blood from a white-tailed deer to prove illegal hunting charges against three men
14. "Time Limit For Rape Charges Opposed." Pittsburgh Post-Gazette, November 3, 2001.
A prosecutor in Pennsylvania is unable to bring charges against a man recently linked to 6 rapes because the statute of limitations has expired. The man was linked to the crime after his DNA was collected for inclusion in the state DNA database. Legislators are now considering an extension or elimination of the statute of limitations for rape.
15. "Killer caught by DNA advance gets life term." South China Morning Post, November 3, 2001.
In Hong Kong, a judge recently praised advances in DNA technology that brought a killer to justice almost six years after the crime. The man had been a suspect, but wasn't positively connected to the crime until authorities tested skin cells found underneath the woman's fingernails.
16. "DNA clears woman accused of Panhandle robberies." The Associated Press State & Local Wire, November 2, 2001.
In Panama City, Florida, DNA evidence from hair found at the crime scene has cleared a woman who spent four months in jail on charges of trying to rob two convenience stores. She had been arrested because she fit the suspect's description, including bruises on her face, and a victim identified her in a photographic lineup.
17. "Man Wants DNA Evidence Barred." Dayton Daily News, November 1, 2001.
In Ohio, a man who was linked to an unsolved rape through the state's DNA database is challenging the legality of the DNA sample taken from him while he was in a state prison on an aggravated burglary conviction. After the database match, the man was tried and convicted of rape and robbery charges. This is the first challenge to the state DNA database statute in Ohio.
18. "French parliament approves controversial new anti-terror laws." Agence France Presse, October 31, 2001.
Newly enacted anti-terrorism laws in France include expansion of the national DNA database "to include files on other criminals beyond the murderers and sex offenders currently included."
19. "Province improves counter-terrorism and emergency management measures." Canada NewsWire, October 31, 2001.
New anti-terrorism / security funding in Canada includes "\$600,000 to develop more specialized forensic capacity in the Centre of Forensic Sciences. This will allow for testing of explosives and toxic or chemical agents and larger scale testing of DNA."
20. "Government Committed To Uproot Terrorism." Business Recorder, October 30, 2001.
Pakistan's plans for anti-terrorism measures extends to police, including the purchase of "speedy vehicles, DNA testing and modern fingerprint technique to identify criminals."

Genetic Privacy

21. "Latvian Govt Backs Basic Idea For Law On Human Genome Research." Baltic News Service, November 6, 2001.

The Latvian government has accepted the basic idea for a law on human genome research that would develop a population genetic information system in Latvia.

22. "Estonian Genome Project Financing Accords To Be Signed In November." Baltic News Service, October 31, 2001.

An agreement between the Estonian Genome Foundation and EGeen International Corporation (EGI) about financing the Estonian genetic data collection pilot project will be signed during November. The database will eventually contain genetic information on roughly one million Estonians.

23. "Facing Genetic Testing Fears." Family Practice News, September 15, 2001.

Article written by the chief of the department of clinical bioethics at the Warren G. Magnuson Clinical Center at the National Institutes of Health Discusses a myriad of issues to consider in conjunction with increased genetic testing. "We need to think about some of the ethical issues of genetic testing today, since regular routine clinical testing does not appear to be very far in the future."

Paternity

24. "Father takes paternity case to Texas Supreme Court." The Associated Press State & Local Wire, October 31, 2001.

In Texas, a man claiming a DNA test shows he is not the biological father of his 15-year-old son wants to terminate his parental rights and is taking his case to the state Supreme Court. The case is expected to set legal precedent in Texas.

25. "Need a Visa? Try a DNA Paternity Test." The Moscow Times, October 1, 2001.

Reports on the growing use of paternity testing in Russia. Some Russians have used paternity tests to sort out immigration problems or prove to consulate officials that their child is really theirs and thus should be given a visa.