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The December 14, 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

Forensic DNA continues to be a significant story in Washington State where a serial killer has been identified through new testing. A "cold hit" on Florida's database has linked a burglar to an unsolved rape, and in Wisconsin and Washington rapists have been linked to an unsolved murders.

A Montana court has taken a conservative stand on warrantless DNA collection. Construction of and operational plans for the proposed Los Angeles crime lab continue to be contentious issues. Forensic DNA testing was discussed in-depth on an NPR show.

Post conviction testing has cast doubt on the identity of the Boston Strangler.

A survey in Tasmania, Australia shows that most citizens do not object to voluntary "DNA dragnets", and in England a "DNA dragnet" in the search for a rapist has netted 3000 samples thus far. Scotland is using DNA in a quest to identify victim's of a serial killer.

## NEWS ARTICLES

1. "DNA links convicted rapist to women's slayings in 1987." The Associated Press State & Local Wire, December 11, 2001.  
In Washington, an imprisoned rapist was charged in the 1987 slayings of two women after DNA evidence linked him to one death and he confessed to both of them.
2. "California lawmakers, officials eye new anti-terrorism laws." The Associated Press State & Local Wire, December 11, 2001.  
In California, the GOP is proposing to include all convicted terrorists on the state DNA database.
3. "High court limits warrantless searches after arrest." The Associated Press State & Local Wire, December 11, 2001.  
The Montana Supreme Court has limited law enforcement's ability to search arrested suspects without a warrant, saying authorities must be able to justify such searches as immediately necessary before they can use any evidence in court. In the case in question, a suspect had been caught near the scene of a burglary and was later identified by the homeowner. Police found what appeared to be fresh blood on the suspect's hands and he was arrested. At the jail, officers swabbed the suspect's hands for a sample of the blood and DNA tests showed it was the same as blood found at the home. The man argued that taking the blood sample from his hands was unconstitutional. The Supreme Court agreed and, in the process, overruled two previous Supreme Court decisions that allowed authorities to collect evidence from a suspect's hands without a search warrant.
4. "DNA analysis helping solve cold cases." The Associated Press State & Local Wire, December 10, 2001.  
Washington's DNA database has made 19 DNA matches in seven months -- almost three times the number of matches in the previous 18 months. The backlog of offender profiles is now up to date, thanks to grants from the National Institute of Justice.

5. "DNA testing and its use in the criminal justice system." National Public Radio (Talk of the Nation), December 10, 2001.  
Interview discusses: How the technology of DNA testing is changing criminal justice. Why are we hearing so much about it now? How reliable is DNA? Is it better than it used to be? What does the exoneration of 99 convicted felons say about the criminal justice system, and has that system kept pace with science? Do laws need to be changed to allow courts to consider new evidence 15, 20 or even 30 years after a trial. Guests on the show were Peter Neufeld (Innocence Project) and Mark Stolorow (Cellmark).
6. "DNA Clears Virginia Man of 1982 Assault." The New York Times, December 10, 2001.  
Nineteen years later, a new Virginia law that allows felons to seek exoneration on the basis of modern DNA testing has cleared a man of a rape conviction that civil rights protesters have long complained was steeped in rural racism.
7. "Killer Beggs May Face More Charges As DNA Leads To New Witnesses." Scotland on Sunday, December 9, 2001.  
In Scotland, police are analyzing various DNA samples from a serial killer's residence in the hopes of counting and identifying his victims.
8. "Fears over call to expand database." Sunday Tasmanian, December 9, 2001.  
In Australia, calls to expand the CrimTrac DNA database to include samples from every new-born Australian have outraged civil libertarians. In Tasmania, about 77 per cent believed mass DNA tests were appropriate if used in voluntary "DNA dragnets" to help catch criminals. Most Tasmanians opposed mass screening for health reasons fearing information could be abused by insurance companies and employers.
9. "Money for DNA testing money a boon for Green River investigation." The Associated Press State & Local Wire, December 8, 2001.  
A \$500,000 grant secured in a federal appropriations bill for King County, Washington will be used for additional DNA testing in the Green River Killer investigation. The investigation is expected to cost from \$8 million to \$12 million over the next two years.
10. "Imprisoned man charged after DNA matched in woman's death." The Associated Press State & Local Wire, December 8, 2001.  
In Wisconsin, a man serving a prison term for attempted rape has been charged with killing another woman after his DNA was linked to the crime through the state's DNA database.
11. "Crime Lab Spat Yet To Be Resolved." The Daily News of Los Angeles, December 8, 2001.  
A recent meeting of top officials who are planning the new crime lab for Los Angeles County police agencies brought up old conflicts and exposed the disarray that has stalled the \$96 million project for years. The Speaker of the Assembly was at the meeting and vowed to find a way to fund the project despite a recent Governor veto that remove \$82 million from the project.
12. "DNA evidence casts doubt on DeSalvo as Boston Strangler." The Associated Press State & Local Wire, December 7, 2001.  
The identity of the Boston Strangler has been cast into doubt by new DNA evidence that fails to link the man who confessed to the string of 1960s rape-murders to the last victim. DNA evidence found on the body of the woman thought to be the Strangler's last victim belongs to two different individuals, neither of which is the man who was convicted of being the Strangler.
13. "Rapist search scaled down." Bath Chronicle, December 7, 2001.  
The hunt for the Bath rapist – the longest running inquiry in the UK – has been scaled down. To date, police have collected DNA from 3000 people, two thirds of which have analyzed. The rapist is wanted for 14 attacks over the past decade.
14. "Three-Way Contention For Sheriff Shapes Up." The Daily News of Los Angeles, December 7, 2001.  
A candidate for Sheriff of Los Angeles County is criticizing the incumbent Sheriff for causing delays in DNA sample processing.

15. "Security Role of States Increasing, NCSL Hears." Washington Internet Daily, December 7, 2001.  
Former New York City Police Commissioner a national identity card is needed that should include 2 biometrics, preferably a fingerprint and DNA.
16. "Ridgway DNA Test Available For Many Years." The Seattle Post-Intelligencer, December 6, 2001.  
Article questions why DNA testing was not conducted years ago on the Green River Killer evidence. Discusses the enormous backlog of work and shortage of funding facing the state crime lab, but also reports that the Sheriff's office cannot explain why the DNA testing was not sought earlier.
17. "Convicted murderer of California teen-ager charged in four other decades-old slayings." AP Worldstream, December 6, 2001.  
In California, a man serving a life sentence for killing a teen-age girl has been charged with murdering four others in the 1970s after authorities said DNA evidence linked him to two of the slayings. Authorities reopened the cases in 1996 after receiving a tip. They compared a sample of the suspect's blood with DNA left at the crime scenes.
18. "Detectives: DNA test links burglar to 1996 Tallahassee rape." The Associated Press State & Local Wire, December 5, 2001.  
In Florida, a burglar about to be released from prison after serving his sentence has been accused of a 5-year-old rape because DNA testing linked him to the attack. The man had not been a suspect in the attack and would never have been charged if not for the DNA match.

#### Genetic Privacy

19. "Personal genetic info must be protected." Courier Mail, December 12, 2001.  
Discusses genetic privacy issues in Australia. "The Commonwealth must legislate to protect the genetic rights of Australians, and give to the individual the right to determine, through consent, how their genetic information is disclosed." Column is written by the Australian Senator who is leader of the Australian Democrats.
20. "Lawmakers to debate partial ban on human cloning." The Associated Press State & Local Wire, December 11, 2001.  
The Massachusetts Science and Technology Committee recently held a hearing on human cloning. The company that announced it had cloned a human embryo is based in Massachusetts. Several witnesses pointed out that if the process is banned or limited in Massachusetts, scientists would simply develop the technology someplace else.
21. "Harkin bill would draw distinction between cloning, cell transfer." Telegraph Herald (Dubuque, IA), December 9, 2001.  
US Senator Tom Harkin (D-IA) plans to introduce a bill that would draw a distinction between the process of human cloning and the process of therapeutic cellular transfer. Those who violate the ban would be subject to penalties of up to 10 years in jail and civil penalties of a least \$1 million.
22. "Govt In No Hurry To Ban Human Cloning." The Statesman (India), December 7, 2001.  
India plans to take its time before banning human cloning "because there's no expertise in the country to clone humans." A government committee recently drafted genetic ethical policies which included a ban on human cloning, but these guidelines are not enforceable.
23. "Swedish Group Backs Therapeutic Cloning." The Record (Bergen County, NJ), December 5, 2001.  
The Swedish Research Council has stated that therapeutic cloning is ethically defensible and called on the government to change legislation to allow the procedure.
24. "AMA warns docs on genetic information." United Press International, December 5, 2001.  
The American Medical Association House of Delegates has stated that doctors must safeguard the privacy and confidentiality of patients when that patient's DNA is used in research -- since far-reaching information such as

the long-term health of persons yet unborn could be affected.

Paternity

25. "Paternity - fraudulent concealment." Chicago Daily Law Bulletin, December 11, 2001.

An Illinois appellate court has found that a trial court correctly vacated an order finding that the defendant was the father of the plaintiff's child because the mother fraudulently misrepresented to defendant that he was father of the child. DNA tests proved he was not the father.