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The December 5, 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

A bill in Kentucky would expand the state DNA database to include certain crimes against children as well as juvenile offenders. DNA links a Florida attacker to two rapes in Canada, and a Wisconsin offender was linked to a Minnesota crime scene through DNA.

In Washington DNA testing has identified suspects in unsolved murders (one case involves a serial killer). DNA from cigarette butts and sweat from sunglasses were collected by detectives to solve crimes in the US. Admissibility of mitochondrial DNA is under consideration in a Connecticut court, and a South Carolina court is allowing defense to question the competency of DNA labs.

Missouri legislators intend to extend the statute of limitations for rape.

The city of Washington, DC has enacted post conviction legislation. Similar bills are under serious consideration in New Jersey and Pennsylvania. Other post conviction stories made the headlines in Illinois, Virginia, Pennsylvania, Texas, Missouri, and South Dakota.

DNA evidence was used to secure a death sentence for the first time in a province in the Philippines.

STATE LEGISLATION

Forensic DNA

1. Kentucky Bill Request 1057 (prefiled) -- Expands offender DNA database to include unlawful transaction with a minor, use of a minor in a sexual performance, and promoting a sexual performance by a minor. Also adds juveniles for all specified offender crimes.
2. New Jersey AB 3996 -- Provides for post-conviction DNA testing; allows post-conviction DNA profile information to be used in the investigation and prosecution of other crimes.

Paternity

3. Minnesota HB 2588 & HB 2595 (prefiled) -- Establishes procedures for genetic testing requests during child custody / child support cases.

Genetic Research

4. Kentucky Bill Request 458 (prefiled) -- Prohibits human cloning.
5. Missouri HB 1028 (prefiled) -- Prohibits human cloning.
6. New Jersey AB 3978 -- Prohibits human cloning.

7. South Carolina HB 4408 (prefiled) -- Prohibits human cloning.

NEWS ARTICLES

1. "Illinois Drops Murder Case Against 4." The Washington Post, December 5, 2001.
In Illinois, four teenagers who were sentenced to life in prison for a 1986 murder were recently released from prison due to new DNA tests. The DNA results do not match any of the defendants. Several key witnesses have also recently recanted their testimony.
2. "D.C. Council Wants Police Back on Beat; Officers to Be Moved From Special Units." The Washington Post, December 5, 2001.
The Washington, DC City Council has approved an Innocence Protection Act, which provides for post-conviction testing of DNA evidence and eliminates a three-year deadline by which a convict may seek a new trial based on newly discovered evidence of innocence.
3. "DNA May Reveal Green River Killer." The Seattle Post Intelligencer, December 4, 2001.
The King County, Washington Sheriff's Office has arrested a suspect in the Green River Killer case. During the 1980's, 49 deaths were attributed to the serial killer. DNA testing on evidence from three of the recovered bodies has matched to one of the prime suspects. More DNA testing is underway. Editorial comments that the case illustrates a "crucial" public policy -- "the provision of adequate funding for DNA and other vital forensic testing to assure swift and accurate analysis and reporting of results"
4. "DNA Unlocks A 1980 Case." The Seattle Post Intelligencer, December 4, 2001.
A man in Tacoma, Washington was recently arrested for the murder of his aunt in 1980 after DNA linked him to the crime. He said he'd been expecting the police for a while, especially after he found out how many crimes DNA is solving. The man has several previous convictions on drug charges. The DNA testing also served to exonerate three other suspects the police had considered for the crime.
5. "Suspect in 27 rapes may get 2 retrials." The Associated Press State & Local Wire, December 4, 2001.
A new ruling by a South Carolina Court of Appeals means that criminal defendants may challenge the competency of labs that provide DNA results. In the 1998 trials, the judge refused the defendant's requests for the results of "proficiency" tests given to DNA analysts at the State Law Enforcement Division. The testing was done by an outside firm and approved by the American Society of Crime Laboratory Directors, which accredits the state crime lab. SLED has already decided to make the proficiency test results available for criminal trials, based on "trends in the country and legal advice."
6. "Suspect challenges DNA testing, trial location." The Associated Press State & Local Wire, December 4, 2001.
The suspect in a Connecticut murder trial is challenging the admissibility of DNA test results. The prosecution intends to introduce results from mitochondrial DNA testing.
7. "Bill aims to end rape loophole." Kansas City Star, December 4, 2001.
In Missouri, legislators intend to introduce a bill to end a three-year statute of limitations on forcible rapes and sodomies. The bill counters a state appeals court ruling that applied the three-year rule to Missouri's worst sex crimes. Supporters said the bill had special importance because rapists often left DNA that could identify them years or even decades after the crime. Jackson County prosecutors also announced that a grand jury has charged an unidentified suspect in a 1999 rape based on his DNA.
8. "Investigators relying more on DNA to solve crime." The Associated Press State & Local Wire, December 3, 2001.
Wisconsin's offender DNA database is credited with helping investigators in more than 50 unsolved cases since it was established in 1993. The database currently contains more than 27,000 offender DNA samples, with about 15,000 more awaiting analysis, plus 450 samples from crime scenes.
9. "Metro Briefing New Jersey: Trenton: DNA Testing Bill Advances." The New York Times, December 3, 2001.

The New Jersey State Senate has approved legislation that would provide new procedures for DNA testing of prison inmates. It would create rules for inmates and lawyers to follow when requesting DNA testing that might clear inmates of crimes, and would set uniform standards for how judges should review testing requests. It also requires inmates themselves to pay for the testing.

10. "Canada's Terrorism Bill Raises Familiar Worries." The Washington Post, December 3, 2001.
Canada's terrorism bill includes a provision that would allow authorities to collect DNA from suspected terrorists.
11. "Killer, prosecutor spar in DNA fight." The Dallas Morning News, December 2, 2001.
A man who confessed to a murder in Texas 11 years ago is not seeking access to post-conviction DNA testing for "peace of mind." The man says now that he does not remember the night. He does not qualify for state sponsored testing because a judge has ruled that the other evidence against him is convincing, but he has raised his own money independently. Prosecutors are opposed to the testing. The case is at the Texas Court of Criminal Appeals.
12. "Post-conviction testing is step closer." The Morning Call (Allentown), December 2, 2001.
The Pennsylvania House is considering two measures that would allow prisoners greater access to post conviction DNA testing. One of the bills passed the State Senate this summer in a unanimous vote. One of the greatest concerns with the bill is that the bills say the state would pay for testing for indigents, but legislators haven't determined whether the "state" is the Department of Corrections, the Board of Probation and Parole, state police or another entity.
13. "Man charged 16 years after murder." The Philadelphia Inquirer, December 2, 2001.
In Philadelphia, detectives have charged a man in the violent murder of an English teacher who was stabbed 41 times 16 years ago. The suspect is on death row for another murder he committed. After reopening the case and matching the suspect's fingerprint to evidence found at the crime scene, police were able to secure a search warrant in order to obtain a DNA sample which was also a match to the suspect.
14. "Kidnapping suspect refusing to return to Minnesota." The Associated Press State & Local Wire, December 1, 2001.
A man in Wisconsin is refusing to return to Minnesota to face sexual assault charges. The man was identified when DNA taken from an unrelated case in Wisconsin matched DNA found at the Minnesota crime scene.
15. "DNA Helps Cops Find Suspects Hearings Begin In Woman's Death." Daily Press, December 1, 2001.
In Virginia, DNA evidence from a cigarette butt led police to two men accused of the killing and sexual assault last year of a 78-year-old homeless-shelter volunteer.
16. "Across The Nation Death For Rapist." Philippine Daily Inquirer, December 1, 2001.
A judge in Kalinga, Philippines has sentenced to death a man for raping and killing his neighbor three years ago, after DNA tests matched the crime scene evidence. It was the first time that such piece of evidence was used in Kalinga.
17. "Petition Filed Over Evidence Destruction." The Richmond Times-Dispatch, December 1, 2001.
A Virginia inmate has filed a habeas petition with a US District Court over the destruction of DNA evidence by a county clerk who felt the evidence was taking up needed space. The destruction occurred shortly after the state enacted a law allowing prisoners access to such evidence.
18. "Lawyer: Jailed Attacker Linked To 2 Rape Cases." Sun-Sentinel, December 1, 2001.
Prosecutors looking to secure a lengthy prison sentence for a Canadian man convicted of kidnapping a jogger during an attack in a Florida park came to court with evidence that he was linked by DNA to two rape cases in Quebec and Toronto.
19. "Sunglasses may yield DNA from killer of 3." The Deseret News (Salt Lake City, UT), November 30, 2001.

Investigators in Utah hope to obtain DNA evidence from a pair of sunglasses found at the beauty salon where three women were slain. The killer may have lost the sunglasses in a struggle. Traces of sweat collected on the glasses' frames could yield DNA material from the killer

20. "Evidence-Scientific Evidence." Pennsylvania Discovery and Evidence Reporter, November 30, 2001.
Federal trial court has issued an injunction requiring the Montgomery District Attorney's Office to release biological evidence for DNA testing that an inmate contended could conclusively determine whether he was guilty of two rapes.
21. "Inmate granted DNA testing in 1987 rape case under new law." The Associated Press State & Local Wire, November 29, 2001.
A man serving two consecutive life terms for the 1987 rape and robbery of a 73-year-old Missouri woman has been granted DNA tests of evidence in the case. The ruling is believed to be the first involving a new Missouri law that allows inmates to have evidence tested for DNA if the technology wasn't available at the time of their trial.
22. "Soil and fingernail samples top death row appeal issues." The Associated Press State & Local Wire, November 29, 2001.
One of five men on South Dakota's death row hopes that some unidentified tissue will yield DNA that can be tested and will give him the opportunity for a new trial.

Genetic Privacy

23. "Panel Presents Consent Document, Brochure For Use In Research." Medical Letter on the CDC and FDA, December 9, 2001.
A panel of experts has prepared a consent document and a supplemental information brochure aimed at helping bridge the gap between gene discovery and the ability to use genetic information to improve health and prevent disease. The documents are for potential participants in population-based genetic research studies,
24. "Human reproductive cloning outlawed; bill receives Royal Assent." AP Worldstream, December 4, 2001.
England's Parliament quickly enacted the Human Reproductive Cloning Act 2001 after a High Court judge ruled last month that the government had no control over the use and research of embryos created by cloning. The new law prohibits the planting of cloned embryos in a womb.
25. "Untangling biotech issues; Cloning is research field entirely separate from stem cells." The San Francisco Chronicle, December 3, 2001.
Reports that much of the public perceives stem cell research to be synonymous with cloning. Experts say such distinctions are becoming more important than ever as cutting-edge biology triggers a new cycle of ethical and political debate.
26. "Allow Certain Types Of Human Cloning." Wisconsin State Journal, December 3, 2001.
Article argues that a ban on all cloning research could block cures to some of mankind's worst diseases. Says that, "Bush's approach is overly broad. What's needed is a law that bans cloning to make new human beings but which protects therapeutic cloning techniques."
27. "It'll be the death of us." The Vancouver Sun, December 1, 2001.
"As North Americans fret about genetic research and pour precious resources into HIV causes, we're losing perspective about the diseases that are most likely to do us in."
28. "Ban Patents On Humans: Panel." The Ottawa Sun, November 30, 2001.
The Canadian Biotechnology Advisory Committee Biotechnology recently recommended that companies should be barred from getting patents on human beings "at all stages of development." However, useful new plants, seeds and animals should be patentable, said the committee, although it noted that recommendation was not unanimous.

29. "Malaysia Lacks Laws To Protect Personal Data Loss, Says Rais." Bernama The Malaysian National News Agency, November 29, 2001.
Malaysia's Prime Minister's Department recently reported that the nation lacks laws which are needed to protect individuals from the trauma arising from personal data loss. "In future, personal data on an individual's health and medical record including DNA profile could be accessed and illegally used by unauthorized persons."
30. "DNA database to be extended." AAP Newsfeed, November 28, 2001.
Australia's national DNA research database will be expanded to hold up to 5,000 samples from infertile males over the next three years. The database also stores the DNA of children born through sperm injection techniques to determine the rate of inherited infertility

Paternity

31. "Surge in births leads to Department move." The Irish Times, December 1, 2001.
Faced with a surge in births to asylum-seekers - running at about 3,000 a year - Ireland's Department of Justice is seeking to break the link that up to now has given residency to the parents of an Irish-born child. Short of a constitutional amendment, there is nothing the Department can do about the automatic entitlement of a child born here to Irish citizenship. Asylum-seeker fathers already have been asked to undergo DNA tests to prove their paternity.
32. "DNA Could Father Child Support Law." The Tampa Tribune, November 25, 2001.
Lawmakers in Florida are proposing everything from a simple change allowing men to stop paying support if DNA tests show they aren't the biological father to the establishment of a statewide database of DNA drawn from every newborn baby.