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The April 20, 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 North Carolina has been introduced to expand the offender DNA database to include all convicted felons. A Rhode Island bill to expand the state's DNA database has passed the House. Wisconsin is in the process of collecting DNA samples from all of the state's felony offenders. Members of the Chiefs of Police association continue to lobby Congress on DNA issues.

Oregon's DNA database had 17 "cold hits" last year. A DNA test that freed a man from prison in Ohio has now been matched to another inmate, and DNA tests exonerated a man who had been charged with rape in California.

A bill to remove the statute of limitations is awaiting the Governor's signature in Arizona, and a New Jersey law journal debates the issue of removing statutes of limitations.

A new bill in Nevada directs a study of post conviction DNA issues. A federal judge has ruled that felons have a constitutional right to DNA testing. Prosecutors in Nebraska are supporting a post conviction bill.

An Australian state is allowing DNA collections to include persons arrested for serious crimes. In England, a saliva sample found on a vehicle's airbag has tied a man to a crime. A DNA database in Europe is helping to identify massacred Bosnians.

STATE LEGISLATION

Forensic DNA

1. Arizona HB 2631 – Appropriates funding from the Arizona DNA identification fund.
2. Nevada ACR 21 -- Directs the Legislative Commission to conduct an interim study of issues regarding the death penalty and related DNA testing.
3. North Carolina HB 1127 – Expands offender DNA database to include all convicted felony offenders, as well as those found not guilty by reason of insanity.

Genetic Privacy

4. New York SB 4358 – Provides for medical records privacy. "Protected health information" is defined to include genetic information.
5. New York SB 4364 – Prohibits the release of medical records and the treatment of persons with "a unique genetic defect or genetic predisposition" and prohibits insurers from discriminating against clients based on such information.

Paternity

6. Pennsylvania SB 802 – allows for blood tests or DNA tests in paternity proceedings.

NEWS ARTICLES

Forensic DNA

1. “DNA database helps solve crimes.” The Associated Press State & Local Wire, April 17, 2001.
Oregon had 17 “cold hits” through its DNA database last year – its highest mark ever. The database had been expanded in 1999 to include burglary and assault, and legislators are considering a measure this year to expand the database to include all convicted felons.
2. “State pushes to get DNA samples from imprisoned felons.” The Associated Press State & Local Wire, April 17, 2001.
In Wisconsin, prison officials gathered DNA samples from nearly 10,000 inmates in the past month to comply with a state law requiring all convicted felons DNA samples for the offender database. The state is using oral swabs for samples. The state expects to spend about \$200,000 in June by paying local sheriffs \$20 for each sample they collect from a felon on probation.
3. “Dragan Arenovic Charged With Murder Of Thousands Of Moslems In Bosnia; DNA Project Used To Identify Bodies.” CBS News Transcripts – The Osgood File, April 17, 2001.
Officials in Bosnia are building a DNA database of 95,000 samples in an effort to identify persons killed by Serbs in 1995. As many as 10,000 men and boys are missing from a small town.
4. “U.S. Judge Says Felons Entitled to DNA Tests.” The Washington Post, April 17, 2001.
A US District judge in Virginia has ruled that felons have a constitutional right to DNA testing, and the judge ordered lab work for a Virginia inmate serving a 25-year sentence for a rape he claims he did not commit. The judge ruled that the county prosecutor violated the inmate’s civil rights by refusing to allow testing on evidence left from the 1990 rape and sodomy trial. If appealed, the case will go to a conservative court of appeals that has not been sympathetic to post conviction issues.
5. “Police chief leads lobbying efforts in D.C.” Chicago Daily Herald, April 16, 2001.
The Algonquin (Illinois) Police Chief recently traveled to DC to assist in lobbying efforts of the International Association of Chiefs of Police (IACP). DNA analysis is among the issues on IACP’s agenda. The Chief said, “There’s a significant backlog in testing of DNA and the development of DNA databases.”
6. “In this exchange of views, one author opposes ending the statute of limitations in certain DNA cases, saying it would invite bias and is really a cry for attention from legislators seeking re-election. The other author favors such legislation, saying victims are no less entitled to justice than are defendants who are exonerated through DNA evidence.” New Jersey Law Journal, April 16, 2001.
7. “3 Prosecutors Get Behind DNA Testing.” Omaha World-Herald, April 16, 2001.
Prosecutors in three of Nebraska’s most populated counties have announced their support of a bill to make post conviction DNA testing available to inmates. The prosecutors requested that the legislation include provisions to prevent abuses by guilty prisoners who were rightfully convicted and limit the testing to cases where the identity of the perpetrator was at issue. They also favor a requirement that certified and reputable labs do the testing and adequate state funding to pay for the testing in cases with merit.
8. “DNA testing to be expanded.” AAP Newsfeed, April 15, 2001.
In Queensland (Australia) the Premier has announced that suspects held in watchhouses on serious offenses would be ordered to provide body samples. The DNA profiles will be kept in the national offender database.
9. “Death Crash Man Nailed By His Saliva.” The News of the World, April 15, 2001.

In England, a man who killed an elderly man in a hit-and-run accident has been linked to the crime by DNA. The police gathered the man's DNA from saliva found on the air bag that was deployed in the suspect's car upon impact (the man left the car at the scene of the accident and fled on foot.) Upon questioning, the man originally told police that he had sold the car the day before.

10. "Assuring the guilt of the condemned." The Tampa Tribune, April 15, 2001.
Article in support of US Senator Leahy's "Innocence Protection Act" which would allow inmates greater access to post conviction DNA testing.
11. "Will Time Limits In Rape Cases End?" The Arizona Republic, April 14, 2001.
In Arizona, two bills that would remove the seven-year statute of limitations for rape and other sex crimes have been passed by the legislature. The Governor has not indicated whether she will sign the bills. The bill will apply only to those offenses that happen after the bill comes into effect. A Superior County judge is also pushing for legislation to require DNA samples from all convicted felons.
12. "DNA Matches Convicted Killer, Toledo Police Say." Dayton Daily News, April 14, 2001.
In Ohio, authorities have revealed that DNA evidence that helped free a man who served 19 years of a life sentence on a murder conviction has been matched to that of an inmate who is currently serving time for murder.
13. "DNA proves to be innocent man's path to freedom." AAP Newsfeed, April 13, 2001.
A man in Australia who has spent a year in prison has recently been exonerated by DNA testing. The man was convicted in 1998 of molesting a child, but DNA testing was not available at the time of his trial.
14. "The Rapist Who Wasn't." New Times Los Angeles, April 12, 2001.
Police in a California community have been stumped in the case of a serial rapist. A police dog lead authorities to the door of a man who fit a general description of the rapist, but subsequent DNA tests have proven that the man is not the rapist. Prosecutors, who thought they had a solid case, had to drop all 20 felony counts the man had been charged with.
15. "Lawmakers consider backlog in state facilities." The Associated Press State & Local Wire, April 11, 2001.
Legislators in Massachusetts recently heard about the "forensic crisis" facing state crime labs. A state task force that was formed to study the issue of forensic science backlogs is expected to recommend additional funding of \$4 million to \$5 million. The new funding will likely have to come in a supplemental appropriation bill since the annual appropriation bill is already well advanced in the legislative process.
16. "House approves expanded DNA testing." The Associated Press State & Local Wire, April 16, 2001.
The Rhode Island House of Representatives has unanimously approved a bill that would expand the state's offender DNA database to include most convicted felons. The bill requires federal money to help pay for the new testing.

Genetic Privacy

17. "Minn. tackles genetic testing in workplace." Scripps Howard News Service, April 18, 2001.
A bill to prohibit employers from using genetic information to discriminate against employees is receiving a lot of attention in Minnesota. The "poster child" for the bill is a Minnesota resident whose employer (Burlington Northern railroad) conducted genetic tests on his blood without his consent. Groups representing employers and health insurers are opposed to the bill. . Twenty-two states currently prohibit discrimination in the workplace based on the results of genetic tests.
18. "DNA Pioneer Urges Against Fear Barrier To Genetics." The Scotsman, April 17, 2001.
Dr. James Watson, one of the "founders" of DNA, is urging that the benefits of "designer babies" far outweighs the risks, and said "I strongly favour controlling our children's genetic destinies,"
19. "Insurance Giants Face Ban On Use Of Genetic Testing." The Scotsman, April 16, 2001.

In Great Britain, the government is expected to outlaw the unrestricted use of genetic testing by insurance companies in a bid to prevent the creation of an "uninsurable genetic underclass".

20. "Profs discuss ethical, moral issues of human genome." University Wire, April 16, 2001.
Recently at Northwestern University, a panel of professors discussed the scientific and ethical roles of the human genome in front of a near-capacity audience.
21. "The Mapping Of The Human Genome Has Brought Civilization To A New Frontier." The Boston Globe, April 15, 2001.
Asks "Whose genome is it, anyway? And how will we protect ourselves from its terrible knowledge."
Discusses medical, social, ethical issues of genetic testing.
22. "Guidelines for doctors on gene testing." The Straits Times (Singapore), April 13, 2001.
Article argues that genetic testing should only be done through doctors, and advertising and marketing of gene-testing kits to the public should be discouraged. Singapore's National Medical Ethics Committee has come up with guidelines on how medical practitioners should handle these and other situations relating to gene testing, research and technology.

Paternity

23. "Paternity Tests On Rise." The Richmond Times Dispatch, April 13, 2001.
A Virginia company earned 737 percent more money from its paternity testing lab in 2000 than in 1999. It routinely handles 300 calls a week from people from potential customers. The company is said to be considering how to drum up even more sales