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The April 6, 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

Offender DNA database expansion bills were introduced in Nevada, New Jersey, Pennsylvania, and South Carolina. A New York bill would allow DNA samples to be collected for all fingerprintable arrests. A federal bill encourages Congressional funding for all DNA analysis, but recommends that it be conditioned on availability of testing for post conviction testing for inmates

The use of DNA databases made the CBS evening news, and “cold hits” from offender DNA databases were reported in Virginia and New York.

The Wisconsin budget bill contains a policy provision to extend the statute of limitations for certain crimes if DNA evidence is available.

New post conviction bills were introduced in Louisiana and North Carolina. The Texas post conviction bill has been passed by the Legislature and is awaiting signature by the Governor. A California County’s review of cases for DNA testing has only resulted in one eligible case.

Bills to expand law enforcement’s authority to collect and keep DNA samples of arrestees are progressing in England and New Zealand. Also in England, DNA testing may finally prove the existence of Yetis. Hong Kong is using a DNA database of plants and animals to stop smuggling of endangered species.

STATE LEGISLATION

Forensic DNA

1. Louisiana HB 1079 – Allows post conviction access to DNA testing for persons convicted of felonies. Applications for testing must be filed before August 31, 2002.
2. Louisiana HB SB 511 -- Allows inmates greater access to post conviction access to DNA testing. Applications for testing must be filed before August 31, 2003.
3. Minnesota HB 2315 – Appropriates money to assist the St. Cloud police department to purchase crime lab equipment.
4. Nevada SB 548 – Expands offender DNA database to include convictions of conspiracy to commit crimes previously specified. Counties are directed to take samples from probationers and parolees. Changes “blood sample” to “biological sample”
5. New Jersey SB 2236 – Expands offender DNA database to include additional felonies such as carjacking, robbery and criminal restraint.
6. New York AB 7675 – Requires preservation of DNA evidence if it was used in a trial that resulted in a conviction. The sample must be kept for the term of imprisonment, and one year after parole has ended.

7. New York AB 7678 – Allows police to collect a DNA sample upon arrest for any person from whom they would also collect fingerprints.
8. North Carolina HB 884 -- Allows inmates greater access to post conviction access to DNA testing.
9. Pennsylvania HB 1242 – Expands offender DNA database to include burglary.
10. South Carolina SB 492 – Expands offender DNA database to include 2nd degree burglary.

Genetic Privacy

11. Louisiana SB 651 – Prohibits discrimination in employment. Provides other protections for genetic information.
12. Minnesota SB 2138 – Provides the same level of genetic information protection to state employees as is currently provided to federal employees.

Paternity

13. Pennsylvania HB 1258 – Provides for DNA testing in paternity cases.

NEWS ARTICLES

Forensic DNA

1. “Hanratty lawyers reject DNA 'guilt'.” The Daily Telegraphy (London), April 4, 2001.
Recently analyzed DNA materials from a man who was hanged for murder 40 years ago in England have linked the man to the crime. The lawyers for the family of the executed man still maintain that the evidence is not conclusive because the sample could have been contaminated.
2. “DNA links Bay Area rapist to killings in Southern California.” The Associated Press State & Local Wire, April 3, 2001.
The rapist suspected of attacking as many as 40 women in Northern California has been linked through DNA to at least six killings in the southern part of the state. Police have not yet been able to identify the man, but hope that his DNA profile is in the state’s backlog of DNA samples and that he will eventually be discovered.
3. “DNA testing bill clears House, goes to governor.” The Associated Press State & Local Wire, April 3, 2001.
The Texas Legislature has enacted a bill that would allow inmates greater access to post conviction DNA testing. The bill is now awaiting signature by the Governor. The bill requires the state to preserve biological evidence, and allows certain prisoners to seek state-paid DNA testing if it wasn’t available at trial. The bill was further amended to allow inmates who pleaded guilty to request testing.
4. “In Parliament Yesterday.” Press Association Newsfile, April 3, 2001.
In England, the Home Secretary’s crime bill which would, among other things, allow the permanent retention of DNA evidence, is likely to be slowed-down in the House of Lords. It has already passed the House of Commons, but the opposition is protesting that it has not had sufficient time to debate provisions of the bill.
5. “Va. Man Receives Life Sentence for '92 Slaying; Va. DNA Database Led Police to Suspect Eight Years After Shopkeeper's Death.” The Washington Post, April 3, 2001.
A man caught by Virginia’s DNA database for a murder he had committed eight years previous has been sentenced to life in prison. The man was in the state’s DNA database due to a previous robbery conviction.

6. "Judge rejects new DNA test for Olathe man convicted of murder." The Associated Press State & Local Wire, April 2, 2001.
In Kansas, a man convicted of murdering his wife lost a bid to have a second round of DNA evidence testing. The judge ruled that he had "failed to show the court how a result in his favor would have in any way changed the outcome of his trial."
7. "Police charge man with youth's 1992 slaying." The Associated Press State & Local Wire, April 2, 2001.
The New York offender DNA database has linked a man to a 1992 unsolved murder. The man was already in prison for a sexual offense conviction.
8. "Hong Kong scientists develop tests to stop rare species smuggling." Deutsche Presse-Agentur, April 2, 2001.
Hong Kong scientists are using a genetic database of endangered species (both plant and animal) to help customs officials crack down on illegal smuggling. It was recently tested successfully on a sample of confiscated "crocodile meat" which turned out to be endangered snake.
9. "'Yeti's hair' defies DNA analysis." Deutsche Presse-Agentur, April 2, 2001.
British scientists at the Oxford Institute of Molecular Medicine have been unable to match the DNA of hair gathered from a tree in Bhutan to that of another animal. The hair was found by a group of "Yeti-hunters" who believe this is proof that the hair belongs to an as-yet unidentified species – the yeti.
10. "DNA analysis impacting area court cases." Chattanooga Times / Chattanooga Free Press, April 1, 2001.
Reports that DNA is playing an increasingly important role in criminal cases in Tennessee. Recently, a man was convicted of conspiring to commit bank robbery through extortion and money laundering thanks to DNA collected from cigarette butts left at a crime scene.
11. "Bill will address DNA as evidence." Milwaukee Journal-Sentinel, April 1, 2001.
Wisconsin lawmakers are planning to introduce legislation to allow prosecutors to charge suspected rapists caught after the six-year statute of limitations has run out in first- and second-degree sexual assault cases. The bill also allows greater access to post conviction DNA testing. The leader of the Wisconsin Innocence Project was reported to support the post conviction aspects of the bill, but was "less enthusiastic" about the statute of limitations piece.
12. "How state's criminal investigators find evidence at the scene, in the lab." New Hampshire Sunday News, April 1, 2001.
Article on New Hampshire's crime lab. Highlights DNA testing technologies and the important role DNA is playing in modern investigations. Notes that New Hampshire takes DNA samples from sex offenders only.
13. "DNA Tip May Have Saved Ryan Harris." Chicago Tribune, April 1, 2001.
In 1998, police in Chicago refused to head a crime lab analyst's requests to investigate a man whose DNA linked him to sexual assaults on two children. 9 days later, the man killed a girl, and two young boys (7 and 8 years old) were charged with her murder.
14. "'Budget' proposal includes many policy initiatives." Telegraph Herald (Dubuque, IA), March 31, 2001.
The Wisconsin budget bill contains a policy initiative that would law extend the statute of limitations under which prosecutors could file charges against first- and second-degree sex offenders if they find DNA evidence tying the person to the crime.
15. "Suspect in 1998 slaying of abortion doctor arrested in France." The Associated Press, March 29, 2001.
The sniper suspected of killing a Maryland doctor who performed abortions has been caught in France. Evidence linking the man to the crime includes DNA from a strand of hair found near where the sniper fired.
16. "Postbag: Let's Not Give Birth To A Police State." Bangkok Post, March 29, 2001.
Letter from a readers says, "While I agree wholeheartedly ... that once criminals understand the weak link in testing they may try to foil detection through the use of genetic gloves, I cannot agree with his conclusion that we should, therefore, be kept in the dark regarding the exact methods involved in the testing."

17. "DNA Evidence Clearing The Innocent And Finding The Guilty." CBS Evening News, March 29, 2001.
Discusses use of DNA databases to solve crimes. Reports that Virginia's DNA database is now receiving one "cold hit" per day. Quotes Virginia Forensic Sciences Director as saying: I'm sitting here knowing that if they [other states] ran all those convicted felons, and if they ran all that crime-scene material, they'd be solving tens--hundreds of thousands of crimes."
18. "DNA test took 15 hours." Nation, March 29, 2001.
In responding to questions by critics asking how Thailand's Forensic Medicine Institute could have identified an unidentified body so quickly, the institute explained that it used a process (STR) that takes only 15 hours to extract DNA.
19. "Suspects' DNA Bill wins support." The Evening Post (Wellington), March 29, 2001.
A proposed law in New Zealand to require DNA samples from burglary suspects has passed its first hurdle after winning multi-party support in Parliament.
20. "Leaning On L.A. For a Loan; Dormant \$96 million could build crime lab." The San Francisco Chronicle, March 29, 2001.
Los Angeles County (California) received a \$96 million appropriation from the Legislature last year to build a new crime lab, but so far the money has not been spent because plans for the lab are still on the drawing table. The article suggests that Los Angeles should allow San Mateo to borrow \$11 million as a loan, since San Mateo is also in dire need of a new lab and could put the money to immediate use. The Legislature would have to approve such a loan.
21. "Team Gets 80 Requests That Convictions Be Reviewed." Los Angeles Times, March 28, 2001.
In the six months since Orange County (California) prosecutors and public defenders joined forces to examine possibly erroneous convictions, 80 current and former prisoners have requested that their cases be reviewed. Of the 35 cases that have reviewed thus far, only one has been deemed eligible for further testing. Unfortunately, the evidence for that test had been destroyed.
22. "Rape Convict Wins Right to Seek DNA for Testing in Federal Court." The Legal Intelligencer, March 28, 2001.
A District Judge in Pennsylvania has ruled that an inmate who was convicted of rape and lost his bids in the state courts to get a DNA test that could clear his name is not barred from filing suit in federal court to challenge the denial of DNA testing on constitutional grounds.

GENETIC PRIVACY

23. "MPs attack insurers on genetic tests." Financial Times (London), April 4, 2001.
In England, the House of Commons science and technology committee said the government and the insurance industry must collaborate to provide an alternative form of insurance for those who would be denied it because of their genetic make-up. The committee also urged the government to impose a two-year moratorium on the use of genetic tests if the insurance industry will not agree a voluntary ban.
24. "Couric Tackles Genetics." The Richmond Times Dispatch, March 31, 2001.
At a conference at the University of Virginia, a Virginia State Senator spoke about genetic testing and the need for legislation to ensure privacy and protect against discrimination. "Fear of discrimination may lead individuals who might benefit greatly . . . to refuse testing," she said. She indicated that federal legislation was needed, but that the state legislature would also be confronting the issue.
25. "Lords study paves way to genetic databases." Financial Times (London), March 30, 2001.
In England, the Lords Science and Technology Committee has released a report stating that genetic databases should be encouraged as "the key that will unlock the health benefits of the human genome project", and that a medical data panel with lay members should be set up to deal with issues such as privacy and informed consent.
26. "Congress To Introduce Legislation To Ban Human Cloning." Good Morning America, March 29, 2001.

A congressional committee has held hearings on the issue of human cloning. The committee heard from the religious leader “Rael” who has plans to clone a human. In the end, the committee was said to have expressed unity in opposition to such cloning. Rael was interviewed and indicated that he hoped a law banning cloning would be enacted so that he could appeal it to the Supreme Court.

CONGRESSIONAL RECORD

1. Senator Leahy introduces the Innocence Protection Act (S. 468). The bill makes the finding that in 2000 Congress authorized over \$900 million in DNA-related grants, and that “Congress should continue to provide financial assistance to the States to increase the capacity of State and local laboratories to carry out DNA testing for law enforcement identification purposes. At the same time, Congress should insist that States which accept financial assistance make DNA testing available to both sides of the adversarial system in order to enhance the reliability and integrity of that system.