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The May 25, 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

DNA database expansion legislation has moved forward in New Hampshire, South Carolina, and Texas. The New York Supreme Court has upheld the state's offender DNA database statute.

Legislation was introduced in Illinois for a review of the procedures and resources available to the DNA section of the state crime lab. Numerous articles covered the problem of DNA backlogs at state crime labs and reported that the lack of adequate funding is the main cause - congressional testimony on this issue can found at <http://www.senate.gov/~judiciary/hr051501f2.htm> A US House panel has asked the Department of Justice for an accounting of the current backlog.

Bills to extend the statute of limitations are progressing in New Jersey. 60 Minutes ran a segment on "DNA dragnetting" in the US.

Post conviction DNA legislation was considered in Ohio, and a review in California shows that very few inmates are making use of the state's post conviction law. Many articles are calling for greater scrutiny of crime lab work, due to the recent exposure of flawed (some say falsified) work by an Oklahoma lab technician that resulted in a conviction.

Czech police want to establish an offender DNA database. An Australian judge has denied an appeal by prisoners challenging a liberal interpretation of the national offender DNA database law.

STATE LEGISLATION

Forensic DNA

1. Illinois HRes 355 – Creates the Task Force on State DNA Evidence Procedures to examine the procedures and resources available to the State Police Crime Lab concerning the handling of DNA evidence. Report is due to Legislature by January 1, 2002.

Genetic Research

2. Pennsylvania HB 1614 – Establishes an institute for biomedical research and technology. Appropriates \$35 million for the institute.
3. Pennsylvania HB 1615 -- Regulating clinical and forensic DNA laboratories.

NEWS ARTICLES

Forensic DNA

1. "Attorney: DNA evidence in 1978 murder should be suppressed." The Associated Press State & Local Wire, May 23, 2001.
The defense attorney for a man charged with a 1978 murder is arguing that DNA evidence should not be allowed because it was taken from the defendant illegally, and also that the evidence from the woman's body

could be contaminated. The DNA sample in question was taken from the suspect when he was jailed for violating parole on a 1998 third-degree murder conviction.

2. "DNA sampling measure upheld ." The Associated Press State & Local Wire, May 22, 2001.
The New York State Supreme Court has upheld the 1999 expansion of the state's DNA database laws. The law had been challenged by a parolee who argued that the mandatory blood collection was unconstitutional.
3. "Changes in law on sexual misconduct with prisoners among items in committee." The Associated Press State & Local Wire, May 22, 2001.
A South Carolina House committee has approved legislation to expand the state's offender DNA database to include persons convicted of 2nd degree burglary (the state already collects for 1st degree burglary).
4. "To cut backlogs, upgrade crime labs." The Atlanta Journal & Constitution, May 22, 2001.
Editorial urging for full funding of the Paul Coverdell Forensic Science Improvement Act (at \$85 million for FY 2002). Notes that the Georgia Bureau of Investigation is in the process of taking DNA samples from all convicted felons, "a project that may lead to breaks in unsolved crimes and discourage the commission of new ones." Many states have tremendous backlogs and could really use the extra federal funding.
5. "AG recommends additional testing in capital case." The Associated Press State & Local Wire, May 21, 2001.
The Oklahoma Attorney General has recommended additional testing of blood from the scene of a 1988 double murder, due to questions recently raised about previous testing on the evidence that was conducted by a technician now under investigation.
6. "DNA testing backlog clogs justice system." Chicago Sun-Times, May 21, 2001.
The Illinois backlog of DNA cases is likely to last at least another two years. Currently half of DNA analysis work is being sent out to a private lab. The State Police estimates that the demand for DNA tests is growing about 44 percent a year. Law enforcement officials explain that the funding has not kept pace with the demand for DNA testing.
7. "Cash Boost For DNA Crime Fighters." Coventry Evening Telegraph, May 21, 2001.
Police Warwickshire (England) have been given pounds 232,000 to expand their DNA program. Pounds 118,000 is being awarded towards DNA examination and pounds 114,000 for support costs.
8. "Police Creating DNA Database Of Criminals." Czech News Agency, May 21, 2001.
Czech police want to create an offender DNA database. Some warn that criminologists will gain biological samples which are full of sensitive personal information which the police do not need. Czech law may be a stumbling block to creating a database since there is no guiding policy for how the genetic information should be treated (ie, privacy issues).
9. "Committee to weigh extending limits for sex abuse prosecution." The Associated Press State & Local Wire, May 20, 2001.
In New Jersey, the Senate Judiciary Committee is considering a bill that would extend the statute of limitations for prosecutions of crimes such as robbery, burglary, arson, aggravated assault and criminal sexual conduct from five years to 10 years. Last week, the Senate passed a bill to eliminate all time limits for any crime if DNA samples or fingerprints collected at the scene could be matched to a suspect
10. "DNA Dragnet; DNA Being Used To Find Rapists And Killers." Cbs News Transcripts (60 Minutes), May 20, 2001.
Discusses a rape and murder case in Oklahoma that has made use of the "John Doe" warrant based on a genetic profile of the rapist, and has also used "DNA dragnets" to collect DNA samples from persons who were associated with the victim in order to eliminate potential suspects. Gives perspectives of DNA dragnetting from the victim's family, defense attorneys, and investigators. Discusses the difference of attitudes to DNA testing in Europe. Discusses fears people have of DNA samples being used by other purposes by the Government.
11. "Open Cases Police Say Special Unit Not Answer To Unsolved Crimes." Daily Press, May 20, 2001.

Questions why Newport News and Hampton (Virginia) do not have cold case squads devoted to solving old, unsolved crimes. Notes that police become overburdened with current caseloads and do not have time to revisit old cases for new evidence, such as DNA materials that could be analyzed.

12. No Title. The Associated Press State & Local Wire, May 19, 2001.
The Ohio Senate Committee on Judiciary committee was scheduled to consider legislation this week that would establish a mechanism for the DNA testing of certain inmates under a sentence of death.
13. "77th Legislature; January 9- May 28." The Fort Worth Star-Telegram, May 19, 2001.
The Texas House moved forward legislation to expand the state's offender DNA database to include persons indicted for certain sex crimes, and those convicted of public lewdness or indecent exposure. [This bill was subsequently enacted.]
14. "Shock As Cops Take DNA Swab From Boy Of 11." The Mirror, May 19, 2001.
After getting into a "street scuffle" after an argument with another child, an 11-year old boy in England was required to submit a DNA sample for the national database. Under a newly enacted law, police in England can take and retain DNA samples from suspects. Police call the request for the boy's sample "routine," but his mother is outraged.
15. "DNA may finally identify Zodiac killer." Tulsa World, May 19, 2001.
Investigators in San Francisco hope that DNA taken from saliva on envelopes sent by the infamous Zodiac killer will help them to finally solve the case. The Zodiac killer operated between 1968 and 1969, and claimed 37 killings, though investigators linked only six homicides to him.
16. "Few Inmates Use Law That Allows DNA Testing." Los Angeles Times, May 18, 2001.
Only 30 of California's 160,000 inmates have sought DNA testing under the state's law, which came into effect this year. So far, none of the 30 requests has been approved
17. "DNA backlog cripples crime-fighting efforts." San Antonio Express-News, May 18, 2001.
In Texas, the DNA backlog is said to be "crippling" criminal investigations. Reports that funding is crucial to solving the backlog problem, but that the state should not wait on promised federal funding to begin addressing the issue.
18. "DNA database bill wins Senate approval." Union Leader (Manchester, NH), May 18, 2001.
The New Hampshire Senate has passed legislation to expand the state's offender DNA database to include significantly more felons on the state's DNA database. The bill started off as a study bill, but was amended to be an "action" bill. Supporters believe the bill will help to exonerate the innocent as well as convict the guilty.
19. "Prisoners DNA bid fails." AAP Newsfeed, May 17, 2001.
Four prisoners in Queensland, Australia have lost their effort to challenge the Supreme Court's ruling that required them to submit DNA samples to the state's offender DNA database. The prisoners' convictions are for non-violent offenses ranging from unlawful use of a motor vehicle to minor stealing.
20. "Investigate The Crime Labs." The Hill, May 16, 2001.
An editorial from a Capitol Hill (Washington, DC) newspaper urges the House and Senate Judiciary committees to "take a long, hard look at local and state crime labs and at police and prosecutors who rely on discredited evidence." Recommends a congressional inquiry into the Oklahoma state crime lab and the FBI lab, in particular.
21. "Underfunding Of Forensic Laboratories Has Forced Delays In Trials, Experts Say." St. Louis Post-Dispatch, May 16, 2001.
A panel of forensic experts recently told the US Senate Judiciary Committee that the full potential of DNA evidence is not being exploited because crimes labs are overburdened and underfunded, and without the funding they cannot meet accreditation standards. (See article #__ for the hearing's web address). The panel urged for full funding for the National Forensic Science Improvement Act.

22. "State police seek federal funds for work in crime lab." The State Journal-Register(Springfield, IL), May 16, 2001.
Reports on the US Senate hearing for increased federal funding for crime labs (see article above). Focus on Illinois-specific crime lab issues.
23. "Burglar asked for a cup of coffee." UK Newsquest Regional Press - This is Lancashire, May 16, 2001.
A burglar who asked his victim for a cup of coffee was later identified after DNA tests on the coffee cup linked him to the crime.
24. "Hearing Of The Crime Subcommittee Of The House Judiciary Committee. Subject: Reauthorization Of The Department Of Justice - Criminal Law Components At Main Justice." Federal News Service, May 15, 2001.
During a hearing of the US House Crime Subcommittee, Rep. Weiner asked the Office of Justice Programs (OJP) if they would formally request DNA backlog information from police departments so that Congress can determine "where to go next in terms of allocating additional funds for doing DNA analysis on all of these evidence kits that are sitting out there unanalyzed that Congress has expressed an interest. We have no way of quantifying the problem." OJP responded that they were "making efforts to find out the exact parameters of the backlog problem."
25. "Testimony Crime Lab Modernization." Federal Document Clearing House Congressional Testimony, May 15, 2001.
Testimony by David Boyd (National Institute of Justice Deputy Director) regarding the importance of funding the National Forensic Science Act. His testimony and that of other witnesses can be found at :
<http://www.senate.gov/~judiciary/hr051501f2.htm>
26. "Crime Labs Under Scrutiny Around The US For Producing Evidence That Wrongly Convicts People For Felonies." National Public Radio (NPR), May 12, 2001.
Discusses the Oklahoma case where an inmate was recently exonerated through DNA testing. The crime lab technician who testified in trial that forensic evidence linked the man to the crime has since been discredited and her work on numerous other cases has been called into question. The Chief Public Defender in Charleston, West Virginia said, "There certainly is a pattern nationwide of false, fraudulent, exaggerated, overstated forensic science coming from police crime labs."

Genetic Privacy

27. "Senate OKs trendsetting genetic privacy bill." The Associated Press State & Local Wire, May 22, 2001.
The Oregon Senate has approved a bill that would impose stricter penalties for invasion of a person's genetic privacy. The bill would establish fines of up to \$250,000 for violations. This provision for civil penalties will be replacing current law which classifies genetic information as a property right. Treating DNA as a property right has become a stumbling block for researchers in the state.
28. "Group to advise on genetic innovations." The Irish Times, May 22, 2001.
In Ireland, the Department of Enterprise is establishing a group to monitor and advise on genetic innovations in response to public concerns over the ethical questions raised by scientific advances.
29. "Wedding critical of Mormons' DNA study in NZ." The Dominion (Wellington), May 17, 2001.
The New Zealand Health Ministry's ethics committees are upset that researchers from Brigham Young University have taken genetic samples from New Zealanders without first gaining clearance through the committees. BYU researchers have taken blood from more than 20,000 people in the first 14 months of their worldwide quest for 100,000 DNA samples

Paternity

30. "Woman Takes 5 DNA Tests To Find Kid's Father." China Post, May 21, 2001.

A woman in Taiwan has secretly collected the hair and cigarette butts left by her five former boyfriends and sent them for DNA tests to try to determine which was the father of her three-year-old daughter

Agriculture

31. Researchers at the University of British Columbia are concerned for the safety of their research after recent attacks by “eco-terrorists” at the University of Washington’s Centre for Urban Horticulture and an Oregon tree farm. The area has previously seen several attacks from people attempting to stop genetically engineered “Frankenforests.”
32. Article in an Iowa paper on Genetic ID. Said to be “best known for finding StarLink corn in taco shells last year, creating controversy over the purity of our food.”

Industry News

33. From Biotech Equipment Update: Amersham has introduced the TempliPhi(TM) template amplification kit, an innovative new product that will significantly reduce the time and cost of DNA sequencing by improving the efficiency of DNA sample, or template, preparation.
34. From Worldwide Biotech: “Applied Biosystems/Brazilian NmH Sign Pact For Genotyping.”
35. Provost Of The American Museum Of Natural History discusses the "The Genomic Revolution" exhibit on CBS News “The Early Show.”
36. Article explores the possibility of terrorists developing pathogens genetically altered to attack one specific person.
37. Ten Japanese firms have agreed to jointly analyze protein in a bid to develop new drugs.
38. The European Union has given the European Bioinformatics Institute near Cambridge a Euros 19.4m contract to develop the next generation of bioinformatics tools.]
39. The Kenya government has procured five DNA testing kits carry out tests on specimens collected from bodies of a recent fire and store the information in case of any familial claims. The government says that it “always” conducts such DNA analysis and that it was “unfortunate” that DNA testing kits were out of stock when this tragedy arose. They hope to acquire new, “third generation” (STR?) DNA testing equipment by the end of the year.