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The May 4, 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 to take DNA samples upon indictment for certain crimes has passed the Texas Senate. Efforts to expand DNA databases to include all felons are advancing in Florida and Michigan, and a similar measure in Arizona has failed.

US Senators have urged for full funding of two measures that would increase federal grants available for DNA testing and crime lab improvements. Confusion arose in the Texas Legislature over whether or not these federal grants were currently available.

Virginia's offender DNA database (the oldest and largest in the US) **would have missed 85% of the state's "cold hits"** if property crimes had not been included on the database. Arkansas will soon begin collecting DNA samples from burglars, and "cold hits" made the news in Missouri and New Mexico. Animal DNA was used in Canada and California to solve crimes.

A bill eliminating the statute of limitations for rape has been signed by the Governor in Arizona, and similar measure has passed both chambers in Colorado.

New post conviction DNA bills have been introduced in Louisiana and Pennsylvania. Similar measures have passed the Florida and Louisiana Senate, and the North Carolina House. Massachusetts may create new post conviction DNA procedures through judicial rule.

Plans to build new crime labs in Washington and Iowa have been tabled due to funding constraints. A funding measure in Oklahoma would infuse the state's crime lab with more money, and a Pennsylvania county is lobbying for additional funds for its crime lab.

In Australia, a court has ruled in favor of a more liberal interpretation of a DNA database law, post conviction DNA requests will be considered in one state, and a territory Minister wants police to have authority for random DNA sampling. In England, police are furthering efforts to collect DNA samples for minor offenses, and a rape was solved after a DNA sample was taken for drunk and disorderly conduct.

STATE LEGISLATION

Forensic DNA

1. Louisiana HB 1910 -- Provides inmates with greater access to post conviction DNA testing.
2. Pennsylvania HB 1441 – Provides inmates with greater access to post conviction DNA testing.

NEWS ARTICLES

Forensic DNA

1. "Deer DNA used to catch poachers." The Ottawa Citizen, May 2, 2001.
In Canada, the Ministry of Natural Resources tracked down two deer poachers using DNA technology. Acting on a tip, the officers were able to match DNA from hair and blood found at the shooting site in the forest to hair and blood samples found in the suspects' vehicle.
2. "Hampden DA says will review old convictions with new DNA testing methods." The Associated Press State & Local Wire, May 1, 2001.
The Hampden County (Massachusetts) District Attorney will review between 500 and 1000 convictions from before 1997 to see whether additional DNA tests should be done. The office is unsure of how much the testing will cost, but is committed to finding the money.
3. "Statute of limitations won't protect rapists." The Associated Press State & Local Wire, May 1, 2001.
The Arizona Governor has signed a bill that eliminates the statute of limitations on rape and attempted rape. The new law will take effect 90 days after the legislature adjourns.
4. "House rejects plan to build new state crime lab." The Associated Press State & Local Wire, May 1, 2001.
The Iowa State House has rejected a \$10 million proposal to build a new state crime laboratory that also would house the state medical examiner's office. Supporters say a new lab is desperately needed, but budget-writers are pointing to a \$300 million shortfall in tax collections. Reportedly, lab conditions are so bad that when the state went looking for a new medical examiner last year, they couldn't find any applicants and were forced to promise to increase staff and improve facilities before making a hire.
5. No Title. The Associated Press State & Local Wire, May 1, 2001.
The Colorado Senate has approved a House bill that would eliminate the statute of limitations for sex crimes that can be solved using DNA evidence.
6. "Kearney groups raise almost \$40,000 as thanks to law enforcement." The Associated Press State & Local Wire, May 1, 2001.
A fund-raising drive in Kearney, Nebraska has raised \$39,500 for local police. The original goal was \$15,000 which was needed to upgrade a mobile command post into a mobile crime lab. The rest of the money will be split between the local police and county sheriff, with some money going to a police department in Montana. The fund raising drive was initiated as thanks for the police's work in the safe return of a kidnap victim.
7. "Senate passes bill to require DNA tests of those indicted in sex crimes." The Fort Worth Star-Telegram, May 1, 2001.
The Texas Senate has passed a bill to required DNA samples from persons indicted on charges of aggravated kidnapping, indecency with a child, aggravated sexual assault and sexual assault. It would also require DNA samples from those convicted of indecent exposure and public lewdness because of the correlation between those offenses and more serious sex crimes. The sample would be entered into the state's offender DNA database. The original bill language would have required samples upon arrest, but was changed to indictments to address ACLU concerns.
8. "New bill would allow police to check DNA; Suspects in sex crimes focus of effort." The Houston Chronicle, May 1, 2001.
The DNA database bill passed by the Texas Senate (see article above) is being hailed by victims groups but opposed by the ACLU. The bill's sponsor said, "This bill is probably the most important bill we'll pass this session. This legislation . . . has the potential to prevent rape and sexual assaults from ever being committed." If the charges against the suspect are dropped or if the suspect is not convicted, the samples would be destroyed.
9. "Different breed of DNA sleuth hot on the trail." Sacramento Bee, May 1, 2001.
Veterinary Genetics Laboratory at the University of California-Davis was instrumental in solving a recent attempted assault. Before the perpetrator grabbed a woman and hauled her into his truck to assault her, the woman's dog "sprayed" the man's truck tire. Investigators swabbed the man's tire and found the dog's DNA, conclusively tying the man's to the crime scene. The lab is one of the few facilities in the world to specialize in forensic animal DNA profiling.

10. "Bill Offers DNA Test To Inmates." Sun-Sentinel (Fort Lauderdale, FL) May 1, 2001.
The Florida Senate has passed a measure to allow inmates greater access to post conviction DNA testing, but defense attorneys are complaining the bill is too weak. The legislation would allow inmates to seek the DNA testing up to two years after they're convicted or at any time information comes up about the case that was not available during their trial. The testing can be used not only to exonerate inmates but reduce their sentences if the evidence shows they had less to do with the crime than once thought. The proposal has also been amended to include provisions to expand state's offender DNA database over the next five years to include all convicted felons.
11. "DNA evidence from 23-year-old murder finally secures a conviction." The Vancouver Sun, May 1, 2001.
A court in British Columbia (Canada), has convicted a man of a 1978 rape and murder case that was solved through DNA technology. In 1998, police collected DNA samples from 19 men who had attended a party from which the victim disappeared before her murder. Crime scene evidence matched one of the DNA samples, and police finally had their perpetrator.
12. "DNA to be used to overturn wrongful convictions." AAP Newsfeed, April 30, 2001.
An Innocence Panel has been established in New South Wales (Australia) to hear claims by prisoners that DNA evidence would overturn their convictions. However, some worry that the proposed panel will be biased because it is to be made up of police, victims of crime and prosecutors.
13. "Barry Scheck says more states need to make DNA evidence accessible." The Associated Press State & Local Wire, April 30, 2001.
At a recent gathering, DNA specialist Barry Scheck said that too many states are not making DNA evidence accessible. He particularly noted that Missouri and Kansas were both "woefully behind" efforts to provide DNA testing - either because of official resistance or embarrassment at the prospect of being proved wrong (he was speaking in Kansas City).
14. "Rapist Caught By DNA Sample." Birmingham Evening Mail, April 30, 2001.
In England, police have caught a rapist after taking a routine DNA sample from the man when he was cautioned for being drunk and disorderly in a local pub.
15. "Almost 3,000 NSW inmates DNA tested." AAP Newsfeed, April 29, 2001.
In New South Wales (Australia) almost 3,000 prisoners have been DNA tested in a program that will eventually see samples taken from more than 5,000 inmates. The state requires prisoners serving at least five years for serious crimes to submit DNA samples for the national offender DNA database.
16. "Senate juggles DNA, David Jaye probe." The Associated Press State & Local Wire, April 29, 2001.
The Michigan Senate is scheduled to begin full consideration of measures to expand the state's offender DNA database to include all convicted felons and certain misdemeanor crimes. The bill is sponsored by the Senate Judiciary Committee Chairman.
17. "Virginia's DNA database averaging one cold hit a day." The Associated Press State & Local Wire, April 29, 2001.
Virginia's offender DNA database is averaging one "cold hit" a day - the highest rate in the country. The Virginia database contains about 150,000 convicted felon DNA profile, accounting for about 28 percent of the national database - more than any other state. To date, Virginia's database has made 352 matches - 178 from 2000 alone, and 69 so far in 2001. Of these, 313 tied a case to a suspect, and 39 matched the case to another case but could not provide a name. Of the 313 offenders identified through the database, 126 had previously been convicted property crimes; 21 had previously been convicted of sex offenses; 20 of assaulting or maiming someone; and just seven of homicide, abduction or kidnapping. The lab's director (Paul Ferrara) pointed out, "If our databank didn't include property crimes, then only 15 percent of the hits we made would have been made."
18. "Police successful with DNA testing." The Associated Press State & Local Wire, April 29, 2001.
The Albuquerque DNA unit recently began uploading DNA evidence from various city crime scenes into New Mexico's offender DNA database. The program is said to be off to a solid start, with three "cold hits" so far.

The program has been in the works for several years, but just recently got off the ground.

19. "Burke considers random DNA testing." AAP Newsfeed, April 27, 2001.
Australia's Northern Territory Chief Minister said that police should be empowered to randomly DNA sample the general population, and that his government would consider introducing such legislation. The Minister said that this proposal deserved priority over one suggested last week by a Queensland MP to take DNA from each Australian-born child and file it in a national database.
20. "DNA Database." AAP Newsfeed, April 27, 2001.
A federal MP's suggestions that Australia should create a national DNA database, which would include taking samples from children upon birth, has inspired considerable debate. The suggestion has been labeled a political stunt and an attempt to appeal to "redneck" voters. The civil libertarians are adamantly opposed to the idea, and urban voters are expected to also have considerable misgivings.
21. "Judge dismisses prisoners' DNA avoidance bid." AAP Newsfeed, April 27, 2001.
A Supreme Court judge in Australia has dismissed a bid by four Queensland prisoners convicted of minor offenses seeking to avoid compulsory DNA testing. The decision is likely to be appealed. Queensland authorities are authorized to take DNA samples from indictable offenses, but the defense lawyers appear to believe the law applies only to "serious" indictable offenses, and not to "minor" indictable offenses.
22. "House Rejects DNA Testing Bill." The Arizona Republic, April 27, 2001.
The Arizona bill to expand the state's offender DNA database to include all convicted felons was defeated in the House after it passed the Senate. House members were concerned with costs associated with the additional testing, as well as with expanding too far and including minor offenses.
23. "DNA testing procedure bill moves to Senate." The Associated Press State & Local Wire, April 27, 2001.
A bill to give defendants greater access to DNA testing of crime scene evidence has passed the North Carolina House unanimously, and is now under consideration in the Senate. The bill also allows inmates greater access to post conviction DNA testing.
24. "Budget Includes Local Wins However, Plan Has Less For Barracks, Nothing For New Crime Lab." The Columbian (Vancouver, WA), April 27, 2001.
In Washington state, neither the House nor the Senate proposed biennial budget include funding for a new crime lab in Vancouver. City and county officials were hoping to win \$ 500,000 for property and predesign work on the estimated \$ 8 million facility. Instead, \$ 400,000 in the House budget went to a Spokane lab. Law enforcement officials in Southwest Washington often have to travel long distances to a Seattle lab, which has recently cut back on services.
25. "DNA used in murder conviction of KC man." The Kansas City Star, April 27, 2001.
Kansas City officials recently convicted a man of murder in what is thought to be the county's first case involving a suspect convicted from "cold hit" on the state's DNA database. The man had previously been convicted of deviant sexual behavior.
26. "Budget panel frustrated by not knowing about federal grant." The Associated Press State & Local Wire, April 26, 2001.
Texas lawmakers who are in the midst of crafting a budget grew upset after US Senator announced that up to \$28 million in federal money for DNA testing would be available to Texas. The legislators were angry that the Department of Public Safety (DPS) did not tell them of the funding; however, DPS says it did not tell lawmakers about the funding because it has not been approved by Congress yet [the money has only been authorized, it has not been appropriated yet]. Lawmakers are considering drafting a rule that would require all state agencies to inform lawmakers about possible federal funding that could affect the state budget
27. "Senate approves DNA testing bill." The Associated Press State & Local Wire, April 26, 2001.
The Louisiana Senate has unanimously approved legislation allowing inmates greater access to post conviction DNA testing. The measure, which would require the state to pay for the tests, now goes to the House for consideration.

28. "First DNA evidence test under new law may be done next month." The Associated Press State & Local Wire, April 26, 2001.
A pillow case from a 1993 rape trial could be the first evidence to be tested under a new Michigan law allowing inmates serving time for felony convictions to ask for DNA testing. The inmate has always maintained his innocence, and if the DNA test results are not a match then he can ask for a new trial.
29. "Bill would help thin crime labs' backlog \$ 5 fee on criminal cases marked for OSBI work." The Daily Oklahoman, April 26, 2001.
A bill in Oklahoma is progressing that would authorize a \$5 fee on criminal cases to raise \$ 2.9 million a year to keep crime lab equipment up to date and hire more personnel. The Oklahoma labs currently have a 6,000 case backlog. Over a 10-year period, the \$5 fee is expected to produce \$ 43 million, which could be used for projects such as completing a \$ 12.5 million Oklahoma City Forensic Science Center, obtaining additional equipment for DNA tests and enlarging or replacing regional laboratories.
30. "Council Votes To Hike Exam Reimbursement." The Daily News of Los Angeles, April 26, 2001.
The Los Angeles City Council (California) unanimously agreed to increase funding to reimburse crime victims for the cost of medical examinations. The council recommended the reimbursements be increased from \$200 to \$730 - still less than those provided in some other counties - to provide more funding for Sexual Assault Response Teams at area hospitals. The teams are made up of forensic nurses who use equipment for DNA testing, which can lead to higher conviction rates.
31. "New rules awaited on DNA; LaGuer case needs testing procedure." Telegram & Gazette, April 25, 2001.
Prosecutors in Massachusetts are attempting to set up a post conviction DNA testing protocol with guidelines on such issues as storage of evidence, access to evidence and the types of tests to be done. Additionally, a recommendation pending before the state Supreme Judicial Court would allow prisoners to petition the courts for funding for post conviction DNA tests.
32. "Roddey Lobbies For Increase In State Money For County Law Enforcement." Pittsburgh Post-Gazette, April 24, 2001.
The Allegheny County (Pennsylvania) Chief Executive is working to get \$7.5 million in funding for the county crime lab and to help fund a variety of special county police units -- the Governor's proposed budget only recommends \$4 million. The \$7.5 million appropriation being sought would keep funding at the same level as last year.
33. "State to collect burglars' DNA next as law expands database." The Arkansas Democrat-Gazette, April 20, 2001.
Thorough article on the importance of offender DNA databases in solving crimes. Arkansas passed a bill this year to expand the state's database to include burglars, but failed to pass a measure to include all felons. Discusses successes of Virginia's DNA database and importance of including non-violent criminals in the database. Mentions important role of federal funding in establishing the databases and in keeping DNA analysis current. Reports on several crimes that were solved through "cold hits" from DNA databases.
34. "Rise Of The DNA Test." The Journal (Newcastle, UK), April 16, 2001.
Discusses the successes of England's national offender DNA databases. The English database currently has 1 million profiles on it, and may soon increase dramatically if Parliament enacts pending legislation that would allow samples from suspects who are not charged with a crime to remain on the database.
35. "DNA Experts Hired To Finger Criminals." The Journal (Newcastle, UK), April 12, 2001.
The Durham Constabulary in England is hiring six new staff members to assist in compiling evidence from crime scenes and to add to the national DNA database. The force is trying to step up its collection of forensic samples of those charged with less serious offenses - such as minor theft and damage.

Genetic Privacy

36. "Insurers to curb use of genetic tests." The Daily Telegraph (London), May 2, 2001.
In England, insurance companies bowed to pressure from the Government yesterday and agreed to curb the use of genetic test results after the Human Genetics Commission recommended a moratorium. The Association of British Insurers said that its members would not use genetic information for insurance policies worth up to pounds 300,000.
37. "Oregon Lawmakers Try To Find Balance Between Commerce, Consumer Protection And Science." Marketplace Morning Report, April 26, 2001.
Drug companies are mounting an effort in Oregon to repeal the state's DNA ownership law and replace it with one that would impose stiff fines instead, up to \$ 250,000 on anyone who misused genetic information. Current law requires researchers to obtain explicit permission from the donor before any genetic testing can be done.
38. "House of Lords supports first UK genetic database." British Medical Journal, March 31, 2001.
England's House of Lords Select Committee on Science and Technology gave strong support for the Medical Research Council's proposal to establish a voluntary database containing the genetic details of 500,000 individuals. The committee also called for the setting up of an independent Medical Data Panel to safeguard the genetic databases.

Paternity

39. "The Complications For 'Duped Dads'." The Boston Globe, April 29, 2001.
Articles asks, "How come the same DNA test that can force one man into paternal obligation can't automatically free another?" The Massachusetts Supreme Judicial Court has recently upheld a lower court's ruling that forces "duped dad" to continue paying child support even though he has recently learned that the child is not his.

CONGRESSIONAL RECORD

1. A Senate amendment to the budget resolution (HCR 83) offered by Senators Leahy and Harkin encourages the DNA Analysis Backlog Elimination Act; and Paul Coverdell National Forensic Science Improvement Act to be funded fully at their authorized amounts.
2. A letter from Senator Hatch – Judiciary Committee Chairman – urges funding in the coming budget for the DNA Analysis Backlog Elimination Act; and Paul Coverdell National Forensic Science Improvement Act.