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The June 15, 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 Texas article highlighted the importance of the state's DNA database and new law allowing DNA to be collected from certain suspects upon indictment. A Subcommittee in the Congress held a hearing on state and federal efforts to implement DNA technologies (No details available yet), and the New York Governor urged Members of Congress to fund expansion of the state's DNA database. Articles reported on the growing need for new crime labs in California (Ventura County, and Los Angeles area).

Rapes and murders were solved through "cold hits" on DNA databases for crimes in Virginia (convicted felony drug offender), Florida (convicted rapist), Canada (designated "dangerous offender"), and Scotland (arrest for stolen checks). DNA was used to more firmly link suspects to crimes in New York (chewing gum) and New Mexico (DNA sample from relative). Local agencies in California are reviewing "cold cases" for testable DNA materials.

A bill extending the statute of limitations when DNA evidence is available has passed Wisconsin Assembly, and a similar measure has been signed by the Governor in Colorado. Activity on motions for post conviction testing made headlines in Wisconsin, Kansas, Idaho and New Hampshire.

Post conviction DNA testing bills have passed both Oregon chambers, and a Senate committee in North Carolina, and the Florida Supreme Court is deciding how similar legislation will be implemented in that state.

Greece's Parliament has enacted legislation allowing DNA testing of suspects without their consent. In Australia, the use of force to collect samples from prisoners is under investigation, and some authorities may begin reviewing cases for post conviction DNA testing.

STATE LEGISLATION

Forensic DNA

1. California SB 75 – Appropriates \$3 million for "Statewide DNA Lab-- Acquisition, preliminary plans, working drawings, construction."
2. Massachusetts SB 1900 -- \$ 387,930 in federal funding for Boston Police Forensic DNA Lab improvements.
3. Minnesota HB 7A & SB 7A – Expands offender DNA database to include 5th degree sexual assault, and residents who were convicted in another state for certain specified crimes.
4. Pennsylvania HB 1726 – Encourages all health care providers, including hospitals, birthing centers and physicians, to assist parents in obtaining DNA samples from children for safekeeping by the parent.

Genetic Privacy

5. New York SB 5489 – Requires explicit written consent for genetic information gained through testing for research purposes.

NEWS ARTICLES

Forensic DNA

1. "Governor to Seek Harsher Penalties for Perjurers in Criminal Cases." The New York Times, June 13, 2001.
In New York, the Governor is responding to several well-publicized cases of innocent people who were convicted through testimony with legislation. He will amend some perjury provisions onto a bill currently stalled in the Assembly that would expand the state's offender DNA databank all felonies and misdemeanors. The bill also eliminates the statute of limitations for certain crimes, and creates a state committee to determine how DNA evidence can be used to prevent and reverse false convictions.
2. "Rape suspect faces new charge." The Associated Press State & Local Wire, June 12, 2001.
In Virginia, a man charged with raping a psychiatric patient has now been charged with another rape after DNA tests linked him to the crime. The man had a previous felony drug conviction.
3. No Title. The Associated Press State & Local Wire, June 12, 2001.
In Wisconsin, the state Supreme Court will hear the appeal of a convicted rapist linked to two sexual assaults by DNA evidence. The defense is arguing that expert testimony on DNA evidence or the FBI's conclusion that the DNA linked him to the crimes should not have been admitted. They also maintain that the state should have submitted probability statistics for the DNA.
4. "Senate committee approved DNA testing bill." The Associated Press State & Local Wire, June 12, 2001.
An "Innocent Protection Act" in North Carolina has recently been approved by a Senate Committee. The bill would require district attorneys to provide DNA testing results or untested biological samples to defendants before trial, and also requires DNA samples to be expunged from the state's database if the conviction is reversed.
5. "Assembly passes bill repealing statute of limitations in sexual assaults." The Associated Press State & Local Wire, June 12, 2001.
The Wisconsin Assembly has unanimously approved a bill that will remove the statute of limitations for certain cases if there is DNA evidence. The bill will also remove the time limit for using DNA information to prove a person's innocence.
6. "Pataki not encouraged by meeting on dairy compact." The Associated Press State & Local Wire, June 12, 2001.
New York Governor Pataki and two US Representatives for New York recently met with House Appropriations Committee Chairman Bill Young to discuss several projects that need federal funding in New York. The Governor's requests included federal funding to expand the state's DNA database.
7. "House Government Reform Committee." FNS Daybook, June 12, 2001.
The US House of Representatives Subcommittee on Government Efficiency, Financial Management and Intergovernmental Relations Subcommittee held a hearing on June 12 on "How Effectively are States and Federal Agencies Working Together to Implement the Use of New DNA Technologies?" (No additional details available at this time.)
8. "DNA Lab Helping Name Bosnia's Dead." AP Online, June 11, 2001.
The International Commission on Missing Persons (ICMP) has officially opened the first DNA identification laboratory in Bosnia. The lab has over 4000 known bodies to identify, plus authorities expect to find additional mass graves that will add to the total. More than 8,000 Muslims are believed to have been executed and their bodies dumped in mass graves now being unearthed in Srebrenica. The lab will collect blood samples from survivors, and try to match them up with DNA extracted from the bones of the dead.
9. "I am not going to be raped." The Herald (Glasgow), June 11, 2001.

Story of a woman raped in her home in Scotland by an unidentified man. Her rapist was caught two years later after a DNA sample was taken when he was arrested for using stolen checks. DNA tests for such arrests are routine in Scotland, and led to the match that linked this man to the rape.

10. "Forensic Lab Must Become Joint Project." The Daily News of Los Angeles, June 10, 2001.
Editorial by the District Attorney for Los Angeles County, California. Discusses importance of clearing out DNA backlogs and making full use of DNA database to solve crimes. Urges the County Sheriff and City Police Chief to work closely with the community and key crime lab customers in developing the final plans for the new \$96 million regional lab. Points out that the current labs are woefully underfunded – they need more staff and equipment.
11. "Noted lawyer studying case; Convicted killer wants DNA test approved." The Kansas City Star, June 9, 2001.
Barry Scheck may soon be assisting defense attorneys who are seeking access to post conviction DNA tests in the case of a man who was convicted of murdering his wife. Prosecutors are opposed to the DNA tests because they say that the conviction was secured by evidence other than DNA.
12. "Owens Signs Session's Last Bills." Rocky Mountain News (Denver, CO), June 9, 2001.
Colorado's Governor has signed a law that will eliminate the 10-year statute of limitations in cases of sexual assault and incest if DNA evidence is available.
13. "'Shock' at numbers of innocent people in jail: Whelan." AAP Newsfeed, June 8, 2001.
The Police Minister for New South Wales (Australia) said that residents would be shocked by the number of innocent people serving time in the state's jails. The state's new DNA database laws are expected to help identify innocent prisoners and link others to unsolved crimes. Additionally, the government has set up a panel to deal with post conviction cases where DNA evidence is available.
14. "State uses bear's DNA to convict hunter." The Associated Press State & Local Wire, June 8, 2001.
The Pennsylvania Game Commission used a dead bear's DNA to prove that a hunter illegally shot the animal in its den and then lied about it. The man was fined \$1000.
15. "Texas Legislature expands use of DNA testing." Cox News Service, June 8, 2001.
Reviews the story of a man who raped 11 women before being identified. He raped three women before the police first arrested for burglary. He was released on bail, and subsequently raped four more women over the next six months. He was then arrested a second time for burglary, spent two months in jail, then was released and raped 7 more women before being identified as the serial rapist. This year, Texas enacted legislation that will allow authorities to take DNA samples upon indictment for certain crimes (including burglary).
16. "Cops: Man's DNA A Link to Slaying." Newsday (New York, NY), June 8, 2001.
DNA that police obtained through discarded chewing gum has linked a suspect to a murder in New York.
17. "Force needed to get DNA blood from jailed." AAP Newsfeed, June 7, 2001.
An investigative report by SBS (a news station?) in Victoria, Australia indicates that the use of force to take blood samples from prisoners may be more widespread than what is being officially reported. despite politicians and senior bureaucrats' assurances that it had occurred only once.
18. "Parliament approves new anti-terrorism law." AP Worldstream, June 7, 2001.
The Greek Parliament has approved legislation that allows DNA testing of suspects without their consent. The measure was part of a broader anti-terrorism package.
19. "Duquesne University announces unique Forensic Science and Law program." The Associated Press State & Local Wire, June 7, 2001.
Duquesne University in Pennsylvania will soon offer the nation's first multidisciplinary degree in forensic science and law. University officials point to the increasing backlogs at state crime labs as evidence that reliance on forensic science is increasing, and law enforcement officials, prosecutors and defense lawyers will need to have a better understanding of the scientific side of crime.

20. "Judge refuses to allow DNA test results in court." The Associated Press State & Local Wire, June 7, 2001.
In Idaho, a District judge has ruled that a man on death row for a murder conviction cannot enter the results of a DNA test into court as evidence he was wrongly convicted.
21. "State: DNA, fingerprints link convicted killer to unsolved rape." The Associated Press State & Local Wire, June 7, 2001.
A Nevada inmate in prison for rape has been linked to an unsolved murder and separate rape in Florida through the DNA database
22. "National City police reviewing unsolved sex-crimes for DNA ties." The San Diego Union-Tribune, June 7, 2001.
Police in National City, California are reviewing up to 186 unsolved sex crimes dating to the mid-1990s in hopes that they can be solved through the state's offender DNA database. So far, investigators have collected DNA evidence from 18 cases that will be sent to private labs for analysis – paid by the state. Chula Vista is said to have the same type of review underway as well. The state's 200,000 backlog of offender DNA samples is expected to be cleared out by the end of the summer.
23. "Court Looking At DNA Testing." Sun-Sentinel (Fort Lauderdale, FL), June 7, 2001.
Florida's Supreme Court is considering how the Florida Legislature's newly enacted post conviction bill will be implemented in the courtroom. The legislation allows inmates to seek the DNA testing up to two years after conviction or after new testing procedures are developed. However, the court's implementation policy could be different from what the Legislature enacted – and the Florida Bar is asking for a broader expansion of the post conviction testing law.
24. "Thank you for never giving up'; DNA databank crucial to charge in 1991 slaying." The Toronto Sun, June 7, 2001.
Canada's DNA databank was credited with solving a murder from 1991. The case had been open for 10 years with no strong leads left, when the offender DNA database (just one year old now) matched the crime scene sample to an offender's sample. The man had been designated as a "dangerous offender" in 1996 and was subsequently included in the database.
25. "New DNA test doesn't exonerate Breest." The Union-Leader (Manchester, NH), June 7, 2001.
In New Hampshire, a second round of DNA testing on crime scene evidence has served to reinforce the jury's murder verdict. New test results show that blood found under the victim's fingernails is a DNA match to the inmate.
26. "Grand Jury backs crime lab upgrade." Ventura County Star, June 7, 2001.
In Ventura County, California, a second Grand Jury follow-up report has been issued that calls for more money to renovate the sheriff's and build a new facility by 2006. The report cites overcrowded conditions at the current crime lab and warns that if improvements are not made, the lab could lose its state certification
27. "Inmates could use DNA tests to win freedom." The Associated Press State & Local Wire, June 6, 2001.
The Oregon House and Senate have approved legislation to allow persons convicted of aggravated murder or sex crimes to request post conviction DNA tests. Requests for such testing would have to be filed before 2005. The Senate must act on House amendments to the bill before it will be enacted.
28. "Man charged in 25-year-old slaying." The Santa Fe New Mexican, May 10, 2001.
DNA tests have finally linked a suspect to a murder 25 years ago in New Mexico. The man had long been the primary suspect in the murder of his mother, but police were unable to obtain his DNA sample to test against the bones thought to be those of his mother (found buried in the man's yard). The man had given his DNA sample to authorities in Oklahoma, but police were having trouble getting that sample released for the New Mexico investigation. The bones were recently identified as the mother's when police obtained a DNA sample from the man's nephew.

Genetic Privacy

29. "Legislation to ban cloning endorsed by cabinet." AAP Newsfeed, June 12, 2001.
In Queensland (Australia) the state parliament is considering legislation that would find corporations caught cloning human up to \$1.5 million. Under the new proposed law, scientists would be banned from cloning or attempting to clone human beings or trying to grow a cloned human.
30. "Legislature sends genetic privacy bill to governor." The Associated Press State & Local Wire, June 12, 2001.
The Oregon Legislature has approved a bill that would impose stricter civil penalties if a person's genetic privacy is invaded and would prevent insurers from denying or changing coverage based on the results of genetic tests. The bill removes provisions making a person's genetic information their personal property, and instead imposes fines of up to \$250,000 anyone who obtains, retains or discloses a person's DNA information without their consent.
31. "Many people feel laws are needed to protect people's genetic privacy." NBC News Transcript (NBC Nightly News), June 10, 2001.
Briefly reports on efforts in Washington, DC to enact genetic privacy legislation. Includes opinions from the insurance industry which believes that prohibiting their use of genetic information will only serve to drive-up consumer insurance costs.
32. "Australian governments agree on national cloning ban." AP Worldstream, June 8, 2001.
Australian state and federal leaders have committed their governments to uniform national laws to ban human cloning. However, they did not arrive at a firm position on the use of embryonic stem cell research, agreeing instead to consult with community and interest groups before making any final decisions.
33. "Lawmakers Mobilize To Prevent Genetic Bias Target Use Of Dna In Hiring, Insuring." The Record (Bergen County, NJ), June 8, 2001.
In Congress, momentum is building for a genetic privacy bill. The new Senate Majority Leader, Tom Daschle, may begin hearings on genetic privacy legislation this summer – prior to the August recess, and the House version of the bill has 250 cosponsors.
34. "Genetic Discrimination In The Workplace." Federal News Service, June 7, 2001.
Transcript of a press conference held by Senate Majority Leader Tom Daschle (D-SD); Senator Christopher Dodd (D-CT); Senator Tom Harkin (D-IA); Senator Edward Kennedy (D-MA); Representative Louise Slaughter (D-NY); Representative Connie Morella (R-MD); Dr. Francis Collins, National Human Genome Research; David Escher, alleged target of discrimination.

Paternity

35. "Palomar Pomerado now offering DNA paternity testing." Copley News Service, June 13, 2001.
The Palomar Medical Center in Escondido (CA) and Pomerado Hospital in Poway (CA) have begun offering cheek swabs for paternity tests. The hospitals are contracting with a private lab, Identigene, for the analysis. The two hospitals deliver about 300 babies per month.
36. "Singapore demand for DNA testing in family disputes on rise." Deutsche Presse-Agentur, June 11, 2001.
In Singapore, the demand for paternity tests has risen as the costs for such tests fall. Requests for testing has increased by 5 to 10 percent each year since 1992.