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The June 22, 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 New York bill to expand the offender DNA database to include all convictions for felonies and misdemeanors has been introduced. An article from Illinois catalogs the expansion of the state's DNA database, along with associated funding and backlog issues.

The US House of Representatives Subcommittee held a hearing on June 12 titled, "How Efficiently are State and Federal Agencies Working Together To Implement the Use of New DNA Technologies?" Testimony can be found at http://www.house.gov/reform/gefmir/hearing_index.htm.

Oregon's DNA database linked a man to an unsolved rape from 1999. A bill to lift the statute of limitations in for rape in Wisconsin is progressing, and Utah authorities have charged an unidentified DNA profile with several rapes in order avoid the state's statute of limitations.

A new Nevada Resolution calls for an interim study on post conviction DNA testing issues. Post conviction bills in North Carolina and Louisiana are progressing, and New Jersey's "The Truth Project" will review cases for possible post conviction DNA testing. Post conviction testing cases continue to both exonerate the innocent and reconfirm guilt in several states.

The need for DNA testing in Bangladesh was noted in an editorial. Lack of resources for DNA testing for an American killed in Costa Rica is becoming an international affair. In England, a man caught petty shoplifting was linked to an unsolved rape through routine DNA testing. New Zealand authorities plan to request permission for DNA from burglar suspects based on new data showing they have a high level of recidivism and graduation to violent crimes.

STATE LEGISLATION

Forensic DNA

1. New York SB 5640 – Expands offender DNA database to include all felony and misdemeanor convictions. Contains some missing / unidentified persons and post conviction provisions.
2. Nevada ACR 3A -- Directing the Legislative Commission to conduct an interim study of issues regarding the death penalty and related DNA testing.

Genetic Privacy

3. Michigan HB 4936 – "Health Care Information Protection And Privacy Act." Requires written consent for disclosure of a patient's medical information. Prohibits certain insurance and employers from requiring genetic information.

4. New York SB 1 – “GEN-NY-SIS Act of 2001.” Establishes a life sciences technology development program, creates GEN-NY-SIS zones program. Provides for state research and development grants for life sciences programs.

NEWS ARTICLES

Forensic DNA

1. “Defense wants more background on French DNA lab work.” AP Worldstream, June 19, 2001.
The American attorneys for a Spanish man who is fighting extradition to France to stand trial for raping and murdering a British child, are asking the courts the U.S. government about the DNA match probability calculations and French lab proficiency and procedures. A DNA match from the man, who had been arrested in Miami for burglary and lewd and lascivious conduct.
2. “Trial in 20-year-old murder to start.” The Associated Press State & Local Wire, June 19, 2001.
In New Hampshire, authorities are preparing to prosecute a man for the murder and attempted rape of 81-year-old woman 20 years ago. New DNA testing technology linked forensic evidence from the crime scene to the man’s genetic profile.
3. “State DNA database of criminals expanding.” The Associated Press State & Local Wire, June 19, 2001.
A law enacted in 1999 requires Illinois to expand its DNA database to include 12 additional crimes by July 2003, or when the agency gets enough money to process the samples. Additionally, a bill passed in 2001 would add an additional 11 crimes to this list. The increase will mean 20,000 offenders per year will be profiled and entered into the state’s database – current collections amount to only 2,000. The current Illinois budget includes \$1 million for a new DNA lab and the state currently has a 10 month backlog on casework. The state appropriated \$2.3 million last year and this year to outsource backlogged DNA samples to private labs for analysis.
4. “Controller Warns Of Costly Delay Facing Joint Crime Lab.” The Daily News of Los Angeles, June 19, 2001.
The Los Angeles City Controller has warned that further delays in agreeing to a joint powers authority between the Los Angeles Police Department and Los Angeles County Sheriff’s Department for the operation of a \$96 million crime lab could result in driving up costs. The project has already been delayed by six months.
5. “Forensic technique.” The Independent, June 19, 2001.
Editorial from Bangladesh noting the country’s short-comings in criminal justice. Points out that “The DNA testing which has revolutionized crime detection in the West is yet to be introduced in this country.”
6. “DNA testing measure gets Senate approval.” The News and Observer (Raleigh, NC), June 19, 2001.
The North Carolina Senate has unanimously approved a bill that would allow inmates greater access to post conviction DNA testing. The House has already passed a version of this bill and the two chambers must work out their differences before it can be sent to the Governor.
7. “Old DNA Evidence Often Destroyed By State.” The Record (Bergen County, NJ), June 19, 2001.
Much DNA evidence in New Jersey is destroyed after it has been used in trial, or otherwise not kept in a manner to prevent contamination. The state’s Attorney General is surveying the county prosecutors and then plans to issue a directive standardizing evidence preservation.
8. “State may provide free DNA testing for convicts.” The Associated Press State & Local Wire, June 18, 2001.
New Jersey will soon be spending \$300,000 for post conviction DNA testing. A team of lawyers will be team of lawyers would reviewing applications from defendants who are willing to submit a DNA sample, and will then identify the cases in which testing might change verdicts. The project is being called “The Truth Project.”
9. “DNA helps catch Marion County rapist.” The Associated Press State and Local Wire, June 17, 2001.

The Oregon offender DNA database has linked a man to an unsolved rape from 1999. The man's DNA had been included in Oregon's database from 1993 sexual abuse conviction which he committed at the age of 16. Oregon is considering expanding its offender DNA database to include less violent crimes (such as burglary).

10. "Trail Of Evidence; New DNA technology has revealed that one man killed Rachael Raver, Warren Fulton and Veronica Jefferson. but for now, it's not enough." The Washington Post, June 17, 2001.
Lengthy article on the successes of Virginia's offender DNA database. Interview with Chris Asplen (Executive Director for the National Commission on the Future of DNA Evidence.) Reports that the FBI has recorded a total of 1,212 hits in the national DNA databank -- 705 linked offenders to unsolved crimes, while 507 matched crime scenes to one another without identifying the suspects.
11. "DNA charged with sexual assault." The Associated Press State & Local Wire, June 16, 2001.
Police in Salt Lake City, Utah have charged an unknown man with rape, based on his DNA profile. The same DNA has been linked to four unsolved rapes in the area. The charges were filed one day before the expiration of the statute of limitations for prosecution of one of the rapes.
12. "Costa Rica plans no DNA testing of hair clutched in dead woman's hand." The Associated Press State & Local Wire, June 16, 2001.
The family of a Kansas woman killed in Costa Rica is outraged that authorities are not planning to conduct DNA tests on hair found clutched in the woman's hand. Costa Rican authorities have indicated that the cost of testing is a concern. The Kansas Bureau of Investigation and FBI are awaiting permission from the Costa Rican government to assist with the DNA testing.
13. "No one charged in killing despite DNA match." The Associated Press State & Local Wire, June 16, 2001.
Virginia's DNA database has connected a convicted felon to a rape for which another man was wrongfully convicted and almost executed. However, police have not yet filed charges against the man because they are still investigating the crime. One potential delay is that police have found another DNA sample from the crime scene which is from a third, unidentified person.
14. "New Crime Lab To Ease Investigators' Workload." The Commercial Appeal (Memphis, TN), June 17, 2001.
The Tennessee Bureau of Investigation will be opening a new lab in Shelby County in November. The lab is will handle various forensic identification cases from Shelby County and West Tennessee, including DNA evidence.
15. "NN Man Convicted Of Rape In 1987 Asks For DNA Test Under New Va. Law." Daily Press, June 16, 2001.
In Virginia, an inmate serving 42 years for rape has filed the first petition asking for DNA testing under Virginia's new post conviction statute. The man was convicted in 1987, before DNA testing was readily available. However, the man must also address condemning statements he made to probation officers, as well as strong testimony from the victim, with whom he was acquainted. So far, roughly half of all post- conviction tests have ended up confirming guilt.
16. "DNA pins rape on 59-year-old thief." Derby Evening Telegraph, June 16, 2001.
In England, a shoplifter was linked to the sexual assault of two young girls committed 13 years ago. He had stolen toothpaste, batteries and a jar of pasta sauce, amounting in total to GBP 10.26. In England, DNA testing for this type of misdemeanor crime is routine.
17. "Many burglars graduate to violence, report shows." The Dominion (Wellington), June 16, 2001.
In New Zealand, a report tracking more than 100,000 offenders convicted of an offense in 1995 has found that 51 % committed another crime within two years. About 24 % of burglars went on to commit a violent crime during the period of the study. The Justice Minister will be using these figures ask for new laws giving police the power to obtain DNA samples from burglary suspects.
18. "DNA evidence ruled admissible in trial." State-Times/Morning Advocate (Baton Rouge, LA.), June 16, 2001.
A Louisiana judge has ruled that that DNA evidence linking a man to the 1998 kidnapping, rape and murder of an 11-year-old girl may be used at his trial. Defense attorneys had challenged the use of the DNA evidence,

arguing that the tests done to obtain the DNA match are unreliable and have not been accepted by scientists. The judge disagreed.

19. "Legal expert calls for crime labs to be independent." Tulsa World, June 16, 2001.
The president of the Oklahoma Criminal Defense Lawyers Association has recommended that the state make its crime labs independent of other criminal justice agencies. The recommendation also seems to imply removing local crime labs away from the jurisdiction of local law enforcement agencies. The article cites Alabama as an example, which funds its Department of Forensic Sciences as a separate department, with its director accountable to the governor and cabinet officers.
20. "DNA clears man of 2 killings in '70s." Chicago Tribune, June 16 2001.
In Florida, a retarded man who spent 22 years behind bars for six murders was ordered freed after DNA evidence found that he confessed to crimes he did not commit.
21. "Senate OKs DNA test access for inmate." The Advocate (Baton Rouge, LA), June 16, 2001.
A Louisiana bill has moved a step closer to enactment after its unanimous approval by the state Senate. The House will now take up the measure. Under the bill, inmates would have until August 31, 2005 to apply for DNA tests.
22. "Law & Order." St. Louis Post-Dispatch, June 14, 2001.
Post conviction DNA testing has confirmed the guilt of an inmate 165-year prison sentence for raping an 18-year-old woman in 1985. Testing was done at the St. Louis police laboratory about two months ago.
23. "Officials say new crime lab in Ankeny." The Associated Press State & Local Wire, June 13, 2001.
A new Iowa state crime laboratory will be built on the campus of Des Moines Area Community College in Ankeny. Spurred on by complaints from prosecutors that evidence wasn't getting processed fast enough, the Legislature approved construction of the \$50 million lab earlier this year.
24. "Statute of limitations exemption advances; Assembly bill takes notice of DNA testing in sex cases." Milwaukee Journal-Sentinel, June 14, 2001.
The Wisconsin Assembly has unanimously approved a measure to repeal the six-year statute of limitations for rape prosecution if DNA evidence is available. The measure also allows for some additional post conviction DNA testing. The bill must now be considered by the Senate.
25. Congressional Testimony – DNA Technologies. "Prepared Statement Of Kevin L. Lothridge Deputy Director And Director Of Strategic Development National Forensic Science Technology Center." Federal News Service, June 12, 2001.
http://www.house.gov/reform/gefmir/hearing_index.htm
26. Congressional Testimony – DNA Technologies. "Prepared Statement Of Robert S. Conley Chairman, ASCLD/LAB And Director Of The Indiana State Police Laboratory System" Federal News Service, June 12, 2001.
http://www.house.gov/reform/gefmir/hearing_index.htm
27. Congressional Testimony – DNA Technologies. "Prepared Testimony Of Dr. Jamie Downs Director/Chief Medical Examiner Department Of Forensic Sciences, State Of Alabama." Federal News Service, June 12, 2001.
http://www.house.gov/reform/gefmir/hearing_index.htm
28. Congressional Testimony – DNA Technologies. "Prepared Statement Of Keith Kenneth Coonrod Chair Of The Consortium Of Forensic Science Organizations." Federal News Service, June 12, 2001.
http://www.house.gov/reform/gefmir/hearing_index.htm
29. Congressional Testimony – DNA Technologies. "Prepared Statement Of The Honorable Mike Lawlor Chair, Judiciary Committee Connecticut House Of Representatives On Behalf Of The National Conference Of State Legislatures." Federal News Service, June 12, 2001.

http://www.house.gov/reform/gefmir/hearing_index.htm

30. Congressional Testimony – DNA Technologies. “Prepared Statement Of Christopher H. Asplen Executive Director, National Commission On The Future Of Dna Evidence National Institute Of Justice Office Of Justice Programs.” Federal News Service, June 12, 2001.
http://www.house.gov/reform/gefmir/hearing_index.htm
31. Congressional Testimony – DNA Technologies. Prepared Statement Of Stephen Horn Chairman. Federal News Service, June 12, 2001.
http://www.house.gov/reform/gefmir/hearing_index.htm
32. Congressional Testimony – DNA Technologies. “Prepared Statement Of Barry C. Scheck Professor Of Law Benjamin N. Cardozo School Of Law.” Federal News Service, June 12, 2001.
http://www.house.gov/reform/gefmir/hearing_index.htm
33. Congressional Testimony – DNA Technologies. “Prepared Statement Of Dwight E. Adams, Deputy Assistant Director Laboratory Division Federal Bureau Of Investigation.” Federal News Service, June 12, 2001.
http://www.house.gov/reform/gefmir/hearing_index.htm
34. Congressional Testimony – DNA Technologies. “Prepared Statement Of David G. Boyd Director, Office Of Science And Technology National Institute Of Justice Office Of Justice Programs.” Federal News Service, June 12, 2001.
http://www.house.gov/reform/gefmir/hearing_index.htm
35. “Testimony DNA Technology.” (Statement Of Congresswoman Carolyn Maloney.) Federal Document Clearing House, June 12, 2001.
http://www.house.gov/reform/gefmir/hearing_index.htm
36. “Alabama Medical Examiner Offers Solution To DNA Backlog.” States News Service, June 12, 2001. In testimony before a Congressional committee, Alabama's chief medical examiner called for a national commission to examine the needs of U.S. forensic laboratories. Reports on other issues that were discussed during the hearing, including the significant funding gap faced by many state crime labs.
37. “Frye Not Sole Standard For Admissibility, Colorado High Court Rules.” Mealey’s Daubert Report, May 2001. The Colorado Supreme Court ruled that Rule 702 of the Colorado Rules of Evidence (CRE), not the standard set forth in Frye v. US., governs a trial court's determination of the admissibility of scientific or other expert testimony. In its decision, the justices vacated an earlier court’s decision which disallowed PCR and STR methods for DNA analysis.

Genetic Privacy

38. “Lawyer Urges Regulation of Genetic Testing.” CTV Television, Inc. (Canada AM), June 19, 2001. Canadian morning news show explores the question, “Could we wait too long to regulate genetic testing?” Recommends that the federal and provincial governments “amend our human rights legislation to prohibit discrimination on the basis of our genetic heritage.”
39. “Knock Off the Cloning; Congress debates the Hows and Whys of a ban.” The Weekly Standard, June 18, 2001. Discusses current Congressional debate on possibly prohibition of human cloning. The biotech industry may be looking for legislation that bans human cloning on a general basis, but allows for some "pro-therapeutic cloning." President Bush is being pushed by conservative members of the House to weigh in on this measure, and some of the president’s staff have been talking with “conservative intellectuals” about the possibility of doing a major presidential address on bioethics.

Paternity

40. "The New Paternity; DNA adds twist to definition of 'Dad'" The San Francisco Chronicle, June 17, 2001. Explores the definition of "Dad" and the confused domestic policy that have emerged as a result of genetic paternity tests. Discusses the "Duped Dads Syndrome" where increasing numbers of men are discovering that they are not the genetic parent of children they have been supporting. (This article ran in several newspapers around the country on Father's Day).