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The June 29, 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

Rhode Island has passed legislation to require DNA samples from all violent offenders, and the Alaska Governor has signed a bill to require samples from burglars. California has eliminated a 165,000 sample backlog and now has a database of 200,000 profiles.

DNA analysis helped crack cases in Missouri, Illinois, Washington, Maryland.

Michigan introduced a bill to extend the statute of limitations for rape to 20 years.

New post conviction measures were introduced in New Jersey and New York. Post conviction DNA laws were debated in *USA Today* editorials, and New York City Council Members urged the state legislator to pass stronger post conviction DNA testing laws.

In England, the “double jeopardy” rule may be abolished in where DNA evidence is found. Hong Kong will soon begin collecting DNA from suspects for serious crimes, and a senior police officer in Scotland is supporting a national DNA database of all residents.

Also of interest, President Bush’s genetics policy seems to be taking form – he has now spoken out against both genetic discrimination and human cloning.

## STATE LEGISLATION

### Forensic DNA

1. Michigan HB 4975 – Extends statute of limitations for rape from 10 years to 20 years.
2. New Jersey AB 3711 -- Fiscal Year 2002 supplemental appropriation of \$ 300,000 to the Office of the Attorney General in the Department of Law and Public Safety to fund the Post-Conviction DNA Testing Program.
3. New York AB 9250 – Current law allows post conviction testing for cases decided before 1996. This bill removes the date requirement and makes the provisions applicable to any case.
4. New York SB 5681 – Requires expungement of DNA samples from the offender DNA database for cases in which the guilty conviction is reversed.

### Paternity

5. Connecticut HB 7501A – Appropriates funding for “Genetic Tests in Paternity Actions”

## NEWS ARTICLES

1. "Standards for U.S. Executions Proposed; Nonpartisan Committee Seeks Broad Consensus on Reforming Death Penalty." The Washington Post, June 27, 2001.  
The Committee to Prevent Wrongful Executions has spent the past year studying capital with the goal of recommending reforms that advocates on both sides of the death penalty debate could support. One of the resulting proposals is to preserve and test DNA after convictions and make it easier for inmates to get new trials based on newly discovered evidence.
2. "Kansas City police suspect Arkansas rapist in September killing of woman." The Associated Press State & Local Wire, June 27, 2001.  
A castrated rapist on parole from an Arkansas prison became a suspect in a Kansas City-area murder after he was linked to the crime by skin from under the dead woman's fingernails. At this time the DNA evidence is the only thing linking the man to the crime. The suspect's attorney has indicated that he will challenge the DNA evidence if the suspect is charged with the crime.
3. "Prosecutors: Accused killer received light previous sentence." The Associated Press State & Local Wire, June 26, 2001.  
In Chicago, a man suspected of rapping and killing six women and a child has been identified through DNA evidence. The man's DNA profile was on the offender DNA database due to a previous conviction for aggravated criminal sexual assault armed violence and rape when he was 17.
4. "ACT crime conference examines 'loophole' in DNA testing." The Canberra Times, June 26, 2001.  
The Australian federal government is pushing for uniform DNA laws in Australian states and territories in order to close a potential loophole that could allow suspects to legally challenge test results.
5. "Utah getting tough on rape." The Deseret News (Salt Lake City, UT), June 26, 2001.  
Incidences of rape have increased in Utah, and the state is considering legislation to help assist in the investigation and prosecution of these crimes. The State Crime Lab Director said, "DNA technology has far exceeded law enforcement investigators' expectations in identifying perpetrators of crime." He said that objective evidence gathering combined with DNA technology "provides evidence that speaks for itself."
6. "Call to Require DNA Testing." Newsday (New York, NY), June 26, 2001.  
The New York City Council Speaker recently urged state lawmakers to require DNA testing in all capital punishment cases and to institute a moratorium until the testing has been completed. Other Council Members called for a complete abolition of the death penalty in New York.
7. "Bill would require DNA samples in criminal database." The Providence Journal-Bulletin, June 26, 2001.  
The Rhode Island Legislature has enacted a bill to require DNA samples from all convicted felons. The bill's sponsor argued that an expanded DNA database would enhance the state's ability to fight crime and would curb wrongful convictions. He also supports full funding for the federal DNA Backlog Elimination Act.
8. "States dawdle while jailed innocents languish." USA Today, June 26, 2001.  
Editorial argues that states have overly restrictive laws that hinder inmates' access to post conviction DNA tests that could prove that they were wrongfully convicted. Argues that society has an obligation to make sure the innocent remain free and that "The laggard states' tight-fisted lethargy stands as a national embarrassment."
9. "DNA resources limited." USA Today, June 26, 2001.  
Article argues for a more restricted expansion of state post conviction DNA testing laws because adding dubious post-conviction cases would increase backlog. "Congress and the state legislatures should make it a priority to fund DNA laboratories, technicians, training and data banks to serve all cases, including appropriate post-conviction cases. They should not add to the backlog quagmire by focusing on a post-conviction problem that simply doesn't exist."
10. "Justice Delayed; Murder Of Helena Greenwood Solved 15 Years After." ABC News (20/20 Downtown), June, 25, 2001.  
Reports on a murder case in California that was solved after 15 years when DNA evidence from the crime scene was linked to the perpetrator. Although the defense questioned the validity of the DNA testing method, the

court allowed the evidence and an appellate court has since upheld the type of DNA testing used to convict the man of the murder.

11. "Knowles signs cancer measure, 20 other bills." The Associated Press State & Local Wire, June 25, 2001. The Alaska Governor has signed legislation that expands the state's DNA database to include burglary convictions. The Department of Public Safety supported the bill, but the ACLU opposed the bill saying that statistics in Alaska do not demonstrate a strong enough link between burglary and violent crime to justify the law.
12. "Victim's family backs DNA database to catch offenders." The Herald (Glasgow), June 25, 2001. The Strathclyde (Scotland) Police assistant chief constable responsible for crime has backed and the family of a girl whose murder could have been avoided if DNA databases had existed at the time have both endorsed the idea of a national DNA database of all residents. In addition to law enforcement purposes, the samples could also be used to identify bodies in the aftermath of major accidents or natural disasters and suicides.
13. "Death Penalty Reforms Gather New Momentum." Los Angeles Times, June 25, 2001. Pressure continues to build in Congress for federal legislation requiring expanded access to post conviction DNA testing. Senator Leahy is likely to bring his "Innocence Protection Act" to the top of the agenda in the Judiciary Committee, but many prosecutors believe that the bill would invite abuse by criminals who have no legitimate prospects of getting out of prison.
14. "State boosts felon's DNA database." The San Francisco Chronicle, June 25, 2001. California has eliminated its 135,000 offender sample backlog to bring its DNA database up to 200,000 profiles, now the largest in the nation. California's database is producing approximately one "cold hit" per week, with 19 total so far for this year. State authorities are also pushing local law enforcement to submit no-suspect cases. Currently, the state's database has 700 unsolved cases with DNA, which are run against the offender database periodically. The offender samples were tested for only 9 points of identification on the DNA code, instead of the 13 points required by the FBI, and will have to undergo more testing before they are fully compatible with the national database.
15. "Work is piling up at state crime lab." The Deseret News (Salt Lake City, UT), June 24, 2001. Utah's crime lab is seeing a heavy increase in its workload. Discusses the important role of forensic science, and DNA testing in particular, to winning convictions in court. "Science doesn't lie. Witnesses can make up all kinds of stories. But when the DNA analysis is complete and it identifies a suspect, you can pretty much bank on the fact that it's the suspect."
16. "DNA Law Can Have Unfortunate Consequences For Victims." The Virginian-Pilot (Norfolk, VA), June 23, 2001. The first petition for access to post conviction DNA testing under Virginia's new law may be a "slam dunk" for the prosecution. Article laments that this DNA testing petition and the reopening of the case is a high price to pay for the victim, who was 8 at the time of the rape.
17. "State Police promote new forensic lab." The Associated Press State & Local Wire, June 22, 2001. Michigan's Governor recently took a tour of the state's new \$23.5 million Forensic Science Laboratory. The lab opened in April and is expected to handle more than 27,000 cases this year for more than 250 law enforcement agencies.
18. "State Police Forensic Laboratory Accredited." The Hartford Courant, June 22, 2001. Connecticut's state police forensic laboratory has received accreditation from the American Society of Crime Laboratory Directors Accreditation Board, making it the first state police agency in New England to receive the accreditation.
19. "D.C. Rapist Convicted In 1999 Md. Killing." The Washington Post, June 22, 2001. A man in Maryland was recently convicted of raping and killing a jogger in 1999. The victim's husband was originally arrested for the crime and spent 8 months in jail before DNA analysis exonerated him.

20. "One Possible Killer Lied, But Truth Is At Hand Police Say DNA Helps Crack A 20-Year-Old Murder Case." The Seattle Post Intelligencer, June 22, 2001.  
In Washington, a man who is in prison for molesting a child and was expecting to be freed in two months has been linked to an unsolved murder from 1981 through a "cold hit" on the state's DNA database. Police officers who recently reopened the case discovered crime scene evidence that could be tested for DNA. The man's record includes a rape in Georgia, a stabbing over a drug dispute, child molestation, and this murder which he apparently committed while on furlough.
21. "The government should require a DNA sample, but keep it private." Fulton County Daily Report, June 21, 2001.  
Argues for broad use of forensic DNA analysis, both for post conviction testing and for expanded DNA databases. Explains that DNA databases for the entire population would be acceptable if the DNA analysis is done on "junk DNA" portions of the profile and if the sample is then destroyed. There would also need to be strict safeguards against the misuse of DNA samples. Argues that defense attorney's ought to support such a database because it would help exonerate their innocent clients.
22. "Double jeopardy rule to be abolished." The Times (London), June 21, 2001.  
England's government has announced a proposal to repeal the "double jeopardy" rule for certain cases. Under the new rule, anyone cleared by a jury could be tried again if "compelling new evidence", such as DNA, were found. The measure is to be included in a Criminal Justice Bill that will include a further fundamental change in principles underpinning English law.
23. "Officers trained to collect DNA samples." South China Morning Post, June 20, 2001.  
Hong Kong Legislators passed new laws last year empowering officers to take DNA samples from suspects arrested for serious offenses. The laws will come into force on July 1. Fifty-seven police officers have been trained to find and handle DNA evidence to prepare for the enforcement next month of a new law under which they would be able to take samples from serious-crime suspects.

#### Genetic Privacy

24. "Companies aim to use genetic info." The Nation (Thailand), June 26, 2001.  
Thailand's life-insurance industry plans to make use of human genetic information in dealing with clients, and those susceptible to severe diseases may have to pay higher premiums.
25. "Bush touts ban on genetic profiling." Chattanooga Times/Chattanooga Free Press, June 24, 2001.  
President Bush has asked Congress for legislation banning genetic discrimination in employment and health insurance. Bush urged that the legislation should be is "fair, reasonable and consistent with existing discrimination statutes." Congressional Democrats have already been working on this sort of legislation, but Republicans have never allowed the bills to move.
26. "Radio Address by the President to the Nation." U.S. Newswire, June 23, 2001.  
Radio Address by Bush urging a ban on genetic discrimination. "Genetic discrimination is unfair to workers and their families. It is unjustified -- among other reasons, because it involves little more than medical speculation."
27. "Cloning: Bush Administration Supports Complete Ban." American Health Line, June 21, 2001.  
The Bush administration said yesterday at a House hearing that it is opposed to human cloning "for any purpose," including research aimed at finding cures for diseases. HHS Deputy Secretary said that the administration favors HR 1664, the "Human Cloning Prohibition Act of 2001," which would ban the research technique known as somatic cell nuclear transfer.

#### Paternity

28. "Paternity test a best-seller: Papacheck offers kit for those who just have to know." Calgary Herald, June 24, 2001.

A paternity test by the German company Papacheck has been inundated with orders since it made its product available over the internet. The test costs about \$430, less than a 10th of the cost of rival DNA tests. The number of women asking for the kit has grown to such an extent that the company's Web site now also gives hints on how collect the necessary DNA secretly from a man, for example through shaving stubble or lip prints.