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The August 3, 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 discussed the recent expansion of the state's offender DNA database to include all felons, and NPR discussed Texas' new statute of limitations laws. A Wisconsin bill that contains both statute of limitations provisions and post conviction testing provisions is advancing. A New York newspaper discussed the backlog problems at Los Angeles crime labs.

A new crime lab for Los Angeles appears to be moving forward, and the Oklahoma crime lab system could be made independent. The DuPage Sheriff would like to expand his lab's DNA capabilities.

In judicial activity: a Wisconsin judge has ruled in favor allowing prosecution of a man identified by a "John Doe" arrest warrant; a Nebraska court has freed an inmate who refused to give a DNA sample; a North Carolina court has allowed that a jury can have knowledge that the accused's profile was on the state database; and an Illinois court has ruled that the state is not required to test every piece of DNA evidence. The Texas appeals court is considering its first post conviction case under the state's new law and its decision could result in a further definition of the law.

England is creating a missing / unidentified persons database and a database in Europe to identify unknown bodies from Bosnia is underway. DNA dragnetting is being expanded in a New Zealand investigation, Pakistan may begin to use DNA evidence, and DNA evidence in a case in Borneo is making headlines.

## STATE LEGISLATION

No new legislation.

## NEWS ARTICLES

### Forensic DNA

1. "Borneo: DNA Test Saves Innocent Accused Of Rape." Borneo Bulletin, August 1, 2001.  
DNA evidence has prompted a man in Borneo accused of raping his stepdaughter to plead guilty to the crime. The man originally went to the police claiming that a 19 year-old neighbor had raped the children, but subsequent DNA tests on the victim's child have proven that the culprit was the father.
2. "DNA evidence leads to arrest 20 years after crime." The Associated Press State & Local Wire, August 1, 2001.  
A "cold hit" on the Florida offender DNA database has solved the murder of a New Zealand tourist who was raped and left for dead in 1981. The man's prior convictions include burglary, robbery and counterfeiting lottery tickets.
3. "National board accredits OSBI labs." The Associated Press State & Local Wire, August 1, 2001.  
The Oklahoma State Bureau of Investigation crime labs have received accreditation from the American Society of Crime Laboratory Directors (ASCLD). It is hoped that the accreditation will renew the public's faith in the

Oklahoma crime lab system, following a recent scandal and criminal investigation into questionable work by a state crime lab technician which resulted in several convictions.

4. "Time Is Right' For Crime Lab Project." The Daily News of Los Angeles, July 31, 2001.  
The Los Angeles City Council's Public Safety Committee has urged that quick approval be sought for a joint powers authority between the LAPD, LA County Sheriff, and California State University, Los Angeles for the new \$96 million crime lab. The new lab has come about primarily due to increasing demands for DNA testing.
5. "Two new DNA laws help advance cause of justice." The Indianapolis Star, July 31, 2001.  
Indiana has enacted two pieces of legislation this year aimed at making the fullest use of DNA evidence. One bill removes the statute of limitations for prosecution if DNA evidence is available, and the other bill allows inmates greater access to post conviction DNA testing. (Written by the legislator, Rep. Zakas, who sponsored both bills.)
6. "Suspect in Simi Valley Serial Rapes Arrested." Los Angeles Times, July 31, 2001.  
Detectives in Los Angeles have identified a man suspected of being a serial rapist responsible for at least 14 attacks. The sexual assaults were linked to one another through DNA evidence. The man was identified through a tip from a citizen. The man had a criminal record for burglary and had served time in prison, but California does not currently require DNA samples from burglars.
7. "Ag Office Sized Up For Cuts What's Next." Omaha World-Herald, July 31, 2001.  
The Douglas County (Nebraska) Board is considering several options to help them meet a tight budget. One item under consideration is merging the sheriff's crime lab functions with the City of Omaha.
8. "Sheriff warns suspect may be serial killer." United Press International, July 31, 2001.  
Police in Texas have linked DNA evidence found at a double homicide to similar evidence found at a burglary. The man suspected of the burglary currently lives in Mexico, and Texas has been negotiating an extradition with Mexico. It is thought that the man may have committed several other crimes and he has been called an "international serial killer" and has been compared to Rafael Resendez-Ramirez.
9. "Justice Department Awards Alaska \$751,000 To Combat Violence Against Women." US Newswire, July 30, 2001.  
Attorney General Ashcroft has announced that Alaska has been awarded \$751,000 from this year's STOP (Services, Training, Officers and Prosecutors) Violence Against Women Formula Grants Program. Among other things, Alaska will use some of the money to hire a DNA criminologist.
10. "Old Blood Stain Leads To Charges In '94 Rape." The Arizona Republic, July 30, 2001.  
In Arizona, a "cold hit" on the offender DNA database has led to an indictment for a rape committed in 1994, just days before the statute of limitations would have expired. The man will face charges even though the elderly victim died in 1999. His profile was on the database due to a previous conviction of indecent exposure. A new state law will take effect next month that eliminates the statute of limitations for rape and other sex crimes.
11. "New DNA database to identify the war dead could help bridge Balkan divide." THE Associated Press, July 30, 2000.  
A DNA database in Europe will compare DNA drawn from survivors with DNA extracted from bones unearthed from mass graves in Bosnia an effort to identify the dead. Similar agreements are underway with Kosovo, Croatia, and Yugoslavia. So far 12,000 people have donated a sample for the database, and authorities are hoping for 60,000 more.
12. "Judge frees prisoner who refused second blood sample." The Associated Press State & Local Wire, July 30, 2001.  
In Nebraska, a convicted sex offender who refused to give a blood sample has been released from prison after a judge ruled that it was unconstitutional for the state to take away time off he earned for good behavior. The man had already submitted a sample once, but authorities are seeking a new sample because the first one was thrown out because it was not labeled properly. The judge ruled that requiring a DNA sample is constitutional,

but withholding good time from inmates who were sentenced before the law became effective was unconstitutional because it punished him. The state will likely appeal the case to the Nebraska Supreme Court.

13. "Texas extends statute of limitations on sexual assault cases." National Public Radio (All Things Considered), July 30, 2001.  
NPR reports that next month Texas will extend the statute of limitations on sexual assaults from five years to 10 years. Texas will join several other states that have enacted similar legislation in order to keep rape cases open that can be solved through DNA. Points out that these bills also begin to elevate sexual assault to the level of homicide – which typically does not have a statute of limitations because of the seriousness of the crime.
14. "LA's Crime Lab Shortage Delays DNA Testing." Newsday (New York, NY), July 30, 2001.  
As many as 4,500 murder and rape cases may be going unsolved in Los Angeles because of huge backlogs at the crime laboratories of the Los Angeles Police Department and the Los Angeles County sheriff's office. Many smaller police departments are sending DNA cases to private labs because of the backlog. The sheriff and police department crime labs are trying to keep up, but do not have the staff or financial resources to handle the workload.
15. "Two Years' Prison For Cheque Fraudsters." South Wales Echo, July 30, 2001.  
Police identified two men guilty of forging 49,000 British pounds worth of student grant checks by analyzing DNA taken from saliva found on the back of a sealed envelope.
16. "WA: Govts should work together on drought aid: Liberals." AAP Newsfeed, July 28, 2001.  
The Western Australia parliament is scheduled to debate "DNA recording at birth" sometime soon. (No further details available.)
17. "Federal Law Minister/ Police reform." The Pakistan Newswire, July 28, 2001.  
Pakistan's Federal Minister for Law, Human rights and Parliamentary affairs has announced that Police reform would be introduced to enhance and upgrade the efficiency of the police force and transform it into a community oriented service. The government has planned to allocate sufficient funds and to seek international assistance and cooperation to bridge the revenue shortfall. Among things that the Minister pointed out as police shortcomings was the "non existence of DNA test kits."
18. "Man's Conviction For Rape, Stabbing Of Tourist Upheld." The Virginian-Pilot (Norfolk, Va.), July 28, 2001.  
The North Carolina state court of appeals has ruled that the a Superior Court judge did not err in allowing the jury to know that the defendants' had been identified through the state's DNA database. The defense claimed that the testimony implicitly informed the jury that the defendant had a criminal record and had been incarcerated on another offense.
19. "Lawmakers discuss idea of an independent state crime lab." The Associated Press State & Local Wire, July 27, 2001.  
The Oklahoma legislature's Appropriation and Budget Joint Subcommittee on Public Safety and Transportation is considering creating a separate state agency to provide forensic laboratory services in criminal cases. Controversy surrounding an Oklahoma City police chemist and her work has prompted the idea of having a crime lab that is independent from the law enforcement agency. The legislative committee also discussed whether to require that all crime labs in the state be accredited and that all experts be certified before they could provide testimony in criminal cases.
20. "DuPage sheriff to seek second term in office." Chicago Daily Herald, July 27, 2001.  
The DuPage County (Illinois) sheriff has announced that he will be seeking re-election. He recently said that he would like to see the offender DNA database extended to include all convicted felons, and wants to modernizing the crime lab to include more DNA technology.
21. "DNA tests on 800 bodies in Suzy hunt." The Evening Standard (London), July 27, 2001.  
In England, the Forensic Science Service is beginning to build a forensic DNA database for missing / unidentified persons. Over 800 bodies will need to be examined and entered into the database.

22. "Move to dismiss rape case based on DNA denied." Milwaukee Journal-Sentinel, July 27, 2001.  
Milwaukee prosecutors won the first battle in their attempt to prosecute a man on a "John Doe" arrest warrant. The arrest warrant was issued based on the genetic profile of a rapist, and the man was later identified through the state's database. In his 20-minute ruling from the bench, the judge said, "In this day and age there is no description more reasonably certain than DNA... Certainly the law must catch up with the advances in this science." The decision could be appealed to the Supreme Court.
23. "More explanation needed on state crime lab backlog." The Pantagraph (Bloomington, IL), July 27, 2001.  
Article questions how the Illinois backlog of 6,000 cases was allowed to occur. "We're not sure whether Nolen's administration [Illinois State Police] is at fault for letting this backlog happen or whether legislators must share the blame for not allocating proper resources to allow state police to hire the people needed for such a vital service to police departments throughout the state."
24. "Marie Cops On DNA Trail." Truth (Auckland), July 27, 2001.  
"DNA dragnetting" is being expanded to a larger area in New Zealand's search for a murderer. Police had originally limited their search to men in West Auckland, but are not expanding their search to include persons of interest in other parts of the city and other towns.
25. "From telemarketing to taxes, budget touches most everyone." The Associated Press State & Local Wire, July 26, 2001.  
Policy provisions in the Wisconsin state budget (which is still under consideration) include an extension of the statute of limitations for sexual assaults if DNA evidence is available. Also, new policy created by the budget would require courts, law enforcement agencies, district attorneys and the state crime laboratories to preserve biological evidence from a crime scene if a person in custody could potentially be exonerated as a result of DNA testing.
26. "You may not have a right to DNA tests, Lake County judge rules." The Chicago Daily Herald, July 26, 2001.  
A judge in Lake County (Illinois) has ruled that there is no requirement that the state perform the DNA tests on every piece of potential evidence found at a crime scene. A man who is accused of raping a woman had asked the state to test a single piece of hair found at the crime scene. The state refused because its case is based on other evidence and a "no match" would not prove anything since the crime scene was a model home. However, the judges did rule that the prosecution must make the hair available to the defense for testing at its own expense.
27. "Murderer wins stay of execution." San Antonio Express-News, July 26, 2001.  
The Texas Court of Criminal Appeals will hear its first case under the state's new post conviction DNA laws. In its ruling the Texas appeals court is expected to further define aspects of the new law governing state-funded DNA testing.
28. "New Texas law broadens DNA database." University Wire, July 26, 2001.  
The Texas legislature has enacted legislation requiring DNA from all convicted felons, but allows for prioritization of samples based on funding availability (more heinous crimes would be analyzed first.) The ACLU was not enamored with this bill but supported several provisions in another bill that was passed this year to require DNA for persons indicted on certain felonies. These provisions protect confidentiality, and require that the sample be destroyed if the person is acquitted.
29. "Jury hears testimony in killing; Witnesses disagree on DNA's reliability in Eastfield attack." The Dallas Morning News, July 25, 2001.  
In a Texas death-penalty trial of a man accused of a double homicide, the defense DNA expert testified that the testing was not scientifically valid enough to say that the DNA from the rape sample matched suspect. He said that the only way to tell for sure if the rapist was the suspect would be to look at the entire human genome. Under cross-examination, the defense expert conceded that he had not retested the forensic evidence and that he routinely does not conduct DNA tests on humans.
30. "Slain Women Left A Common Legacy; Virginia First To Use DNA As Evidence." The Richmond Times-Dispatch, July 23, 2001.

Reports on the history of Virginia's first significant use of DNA evidence in solving a series of murders. The case was the first time in the country that DNA linked multiple rapes and murders, the first time someone was to be executed as a result, and it was the first time in Virginia that DNA indirectly cleared an innocent man by finding the true culprit. Discusses the importance and successes of Virginia's DNA database.

### Genetic Privacy

31. "Who owns your DNA?" Chicago Lawyer, August 2001.  
Discusses Illinois law and case precedence for genetic privacy issues. Finds that there are many ambiguities in current state law and recommends that to make privacy protection more meaningful, the law should make it clear that each of us owns our own DNA.
32. "Efforts Urged To Prevent Genetic Bias." Roanoke Times & World News, July 28, 2001.  
The director of the National Human Genome Research Institute's Office of Policy Coordination recently advocated for strong laws protecting people against genetic discrimination. She said, "Let's not wait until we have all of this [genetic information] right in front of us to take care of things, let's take care of this as we go along."
33. "Storm of controversy over genetic tests on workers." The Vancouver Sun, July 28, 2001.  
Reports that "The possibility that corporate America will enlist today's genetic research as management tool is putting national politicians and biotechnology and insurance companies on a collision course." Discusses a US House bill that would prohibit employers from using genetic information to make decisions about employment and health-insurance coverage.