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The September 21, 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

Many papers across the US and around the world covered the sad news that DNA testing will be necessary to identify most of the victims from the recent terrorist attacks. Special assistance with DNA analysis is being offered by Applied Biosystems and many other private and public forensic interests around the country.

The national DNA database has been used to link a series of rapes in Philadelphia to similar crimes recently committed in Colorado. California has enacted legislation to expand the state DNA database, and San Diego was recognized for its success in solving old crimes through the DNA database.

A new law in California will fund legal counsel for prisoners prior to post conviction DNA testing. Clark County (Nevada) prosecutors are voluntarily reviewing 60 capital murder cases for possible post conviction DNA testing.

A ground-breaking judicial decision in a Canadian court upholds a court order for a DNA database sample from a man convicted of robbery. "DNA dragnetting" in an English community has resulted in 1000 samples so far. India's Centre for DNA Fingerprinting and Diagnostics is urging funding for a mobile testing laboratory.

NEWS ARTICLES

1. "Identifying victims of World Trade Center attacks could take months, maybe a year." AP Worldstream, September 19, 2001.
DNA testing is being done of WTC victims, the medical examiner's office is bracing for 1 million needed DNA tests in all. The medical examiner's office is waiting on DNA software from the FBI and may wait until it has a substantial number of DNA samples before beginning matching. The laboratory work will be performed by Celera and Myriad Genetics.
2. "Appeal court upholds order for robber's DNA sample." The Lawyers Weekly, September 2, 2001.
The Ontario Court of Appeal has upheld an order that a DNA database sample be taken from a man convicted of robbery. In Canada, robbery is a "secondary" offense for which a judge "may" order that a DNA sample be taken, whereas a "primary" offense (i.e., murder or sexual assault) requires a DNA sample. The judge ruled that collecting the DNA sample did not constitute an unwarranted breach of privacy since the order was issued after conviction. Furthermore, the broader purposes of the DNA database are one indication the standard for search warrants ought not to apply to orders for DNA samples. The defense will likely appeal to the Supreme Court of Canada.
3. "Unprecedented use of DNA in identifying Twin Towers victims." Agence France Presse, September 19, 2001.
New York will be using both STR and mitochondrial testing on remains from the World Trade Center. LabCorp is accepting relatives' DNA specimens and personal items of the victims; Interpol is opening stations in Europe to take DNA samples from the relatives of victims; Celera Genomics Group will be handling some mitochondrial testing; and Myriad Genetics will be assisting STR testing.
4. "DNA links Philadelphia serial rapist to Colorado assaults." The Philadelphia Inquirer, September 19, 2001.

DNA tests have linked Philadelphia's Center City rapist to sexual assaults on seven young women since May in Fort Collins, Colorado. The Philadelphia crimes include 5 rapes and a murder. Thus far, the man has only been identified through DNA – police do not yet have a suspect.

5. "DNA Fingerprinting To Help Unravel Mystery Deaths." The Times of India, September 19, 2001.
In India, the Centre for DNA Fingerprinting and Diagnostics has proposed that the Union governments Department of Biotechnology should fund mobile testing laboratories. India pays compensation to relatives of victims killed in natural calamities but often has difficulty in identifying remains and establishing a relationship with the victim's family. The proposal was made on the heels of the World Trade Center disaster.
6. "Man cleared by DNA after 13 years in prison." The Associated Press State & Local Wire, September 18, 2001.
Prosecutors in Ohio have decided not to challenge DNA evidence that has cleared a man convicted of rape who has spent 13 years in prison. "It's a classic conflict between a victim who made a positive (identification) of her attacker and scientific evidence that says it's probably not him," said the assistant Cuyahoga County Prosecutor." DNA tests of a soiled washcloth used by the attacker to clean up and found at the crime scene didn't match the inmate. The tests were obtained through efforts by the Innocence Project.
7. "Identifying UW Victims In Mexico May Take Time." The Seattle Post-Intelligencer, September 18, 2001.
The remains of 16 University of Washington alumni who were killed in an airplane accident over Mexico will likely have to be identified through DNA tests. A forensic laboratory in Mexico City could do the DNA analysis on the remaining unidentified victims, but the lab is reportedly already backlogged. Sending all the remains to the United States isn't feasible because they include two Mexican citizens, plus but it is not clear who would pay for such analysis
8. "Oregon lab to help handle DNA testing in New York." The Associated Press State & Local Wire, September 18, 2001.
The Oregon State Police Crime Lab is among those across the country offering to help as New York uses DNA testing to identify victims of the World Trade Center. Labs from Oregon and elsewhere also might be called on to help with DNA analysis for New York crime cases while the city's lab addresses the identification of victims from the terrorist attacks.
9. "Promega Helping Id Terror Victims." Capital Times (Madison, WI), September 18, 2001.
Promega has sent supplies and three forensic experts to aid in the identification efforts in New York, The reagents were both donated and purchased.
10. "Many Seek Closure Through DNA Match." The Record (Bergen County, NJ), September 18, 2001.
The New Jersey State Crime Lab has sent a forensic team to help the New York City medical examiners, and the lab near Trenton is prepared to help analyze samples.
11. "Local company supplies DNA identification kits." The San Francisco Chronicle, September 18, 2001.
Applied Biosystems received an emergency order for DNA kits from the New York City Medical Examiner's Office shortly after the attack on the World Trade Center. The security guard who answered the phone (it was after hours) ultimately got approval from to waive all the formalities -- like payment checks -- to get what would have been a \$1 million order sent out overnight, without a penny changing hands. Since the US based offices were already closed for the night, Applied Biosystems ran the order through its Singapore office. The New York medical examiner's office, got national authorities to designate the shipment an emergency, which allowed Applied Biosystems to get its boxes aboard a specially chartered Federal Express flight to New York.
12. "Local lab likely to ID terror victims." The Times Union (Albany, NY), September 17, 2001.
The New York Assembly Majority Leader said that the State Police crime laboratory in Albany will in all likelihood play a key role in identifying the victims of the World Trade Center attacks. He also said he had no direct knowledge of investigators' plans, but that it stands to reason that the state-of-the-art laboratory would be used.

13. "Prosecutors examining need for DNA testing in murder cases." Las Vegas Review-Journal, September 16, 2001.
In Nevada, the Clark County District Attorney's Office has implemented a protocol for scrutinizing all 60 of Southern Nevada's capital murder cases to see if DNA testing could have made a difference in the outcome. In the first case reviewed, the DA decided that further testing was not warranted. Defense attorney's applaud the review policy, but wish that all evidence would be allowed for testing – particularly after DNA testing in other states exonerated persons convicted largely on eyewitness testimony. The program is modeled after one started in San Diego.
14. "Terrorist Attacks; Massive DNA Testing; Experts: the only way to ID many victims." Newsday (New York, NY), September 16, 2001.
Reports that the New York Medical Examiner's Office is relying on assistance from Celera Genomics and Applied Biosystems in analyzing the DNA on the remains from the World Trade Center attack that are coming into the office. Extra care is needed in handling the remains because they must be treated as evidence. Additionally, investigators hope to identify the remains of the hijackers. The DNA is also becoming more decayed the longer it remains in the rubble.
15. "DNA Dog Tags' Help Id Bodies Of Military." The Orlando Sentinel, September 16, 2001.
Cards known as "DNA dog tags," that are held for 3.5 million servicemen and women are helping the Pentagon identify soldiers presumed dead inside the building. The cards are preserved in cold storage and will be used by Army pathologists and forensic scientists at the Dover Air Force Base Port Mortuary in Delaware.
16. "Here's how the Legislature's action could affect you." The Associated Press State & Local Wire, September 15, 2001.
The California legislature has passed a bill to expand the state's DNA database to include carjacking, burglary and arson.
17. "Victor Weedn on using DNA to identify hijackers and victims involved in terrorist attacks on America." National Public Radio (All Things Considered), September 15, 2001.
Discussion of the possibility of identifying the remains of both the victims and hijackers of the terrorist attacks through DNA testing with Dr. Victor Weedn (Carnegie Mellon University, DNA Expert). Relatives of the victim's are providing DNA for analysis, and the FBI is likely searching apartments and other evidence for possible DNA samples of the suspected hijackers for comparison.
18. "DNA evidence a key in long-pending slaying conviction." The Associated Press State & Local Wire, September 14, 2001.
The Maricopa County Superior Court has convicted a man accused of killing a co-worker more than a decade ago, thanks in part to new DNA evidence. DNA testing in 1989 proved inconclusive, but recent tests using a more accurate method positively identified the suspect as the attacker.
19. "DNA test hit snag, detective testifies." Calgary Herald, September 14, 2001.
In 1989 Calgary, Canada, a request for DNA testing for a murder case that could have "netted a near-flawless DNA match to the prime suspect" was rejected due to cost and availability of testing. Recent testing has not only finally allowed police to arrest the suspect, but also allowed police to eliminate another man as a potential suspect.
20. "un-Control, Urban Sprawl Bills Win Oks." Los Angeles Times, September 14, 2001.
The California Assembly has approved a bill that would allow poor prisoners who believe that DNA evidence would set them free to obtain taxpayer-funded legal counsel before the testing.
21. "After The Attacks: The Medical Examiner; Forensics Lab Is Prepared For Up to 20,000 DNA Tests." The New York Times, September 14, 2001.
The New York Medical Examiner's Office is gearing up to test from 300 to 700 samples a day. "We will test all tissues that come into the laboratory, because not to do so would be unfair to the populace," Dr. Shaler said in an interview. DNA testing led to the identification of all the victims of the crash of Trans World Airlines Flight

800 and those in the crashes of Swissair and EgyptAir flights. Officials said the effort might exceed the capacity of the New York City DNA laboratory, the largest in the country

22. "Woman tells of rape at age 15." Sacramento Bee, September 14, 2001.
In California, a rape suspect has been linked to two assaults through DNA testing. Neither witness could identify their attacker, but DNA testing identified the suspect. The man has a previous convictions for sexual assault and rape. At trial, the defense is arguing that "there are issues of interpretation" in the evaluation of the DNA data.
23. "Expansion of DuPage County crime lab, sheriff's office planned." Chicago Daily Law Bulletin, September 14, 2001.
In Illinois, \$2.3 million has been allocated for expanding and renovating the DuPage County Crime Lab, which is run by the county's sheriff's department. The grant will allow the department to double the size of its lab used for analyses of crime-scene DNA, fingerprints, firearms and drug chemistry.
24. "DNA Advances May Track Western Killer." AP Online, September 12, 2001.
Police in Washington state are hoping that new DNA testing will help them track down the Green River Killer – considered to be one of America's deadliest unidentified serial killers, the Green River killer. Authorities have been looking for the killer since 1982, when the first of his 49 victims in the Pacific Northwest was discovered.
25. "Cops lauded for DNA use to solve cases." The San Diego Union-Tribune, September 11, 2001.
State Attorney General Bill Lockyer recently praised the San Diego Police Department's crime lab for being a national leader in using DNA evidence to solve violent sex crimes. Since March, police have used a growing state DNA databank to solve seven old cases – the most in the state. The San Diego police Chief David Bejarano credited the director of the department's laboratory and his 12-member staff for the success of the city's program.
26. "Man Seeks To Overturn '91 Murder Conviction." Tampa Tribune, September 11, 2001.
In Tampa, Florida, a man is seeking to overturn his murder conviction from 1991 after the FBI indicated that an FBI laboratory technician who analyzed DNA evidence in the case might have lied about his findings.
27. "Police renew rape warning." Bath Chronicle, September 8, 2001.
Police in a community in the United Kingdom reveal that more than 1,000 men have now been DNA -tested as the hunt for a serial rapist, dubbed the Batman rapist, continues. The men are being tested in order to eliminate possible suspects.

Genetic Privacy

28. "Use of gene data in personnel matters heavily restricted." Omaha World-Herald, September 17, 2001.
In Nebraska, a law passed by the 2001 Legislature prohibits companies from requiring job applicants or employees to take a genetic test or submit genetic information as a condition of employment. Nebraska employers also cannot refuse to hire, fire, fail to promote or discriminate against a job applicant based on genetic information that is unrelated to the person's ability to do the job
29. "EEOC leader to speak on genetic discrimination." The Plain Dealer, September 12, 2001.
In Ohio, the Cleveland-Marshall College of Law is hosting a seminar on genetic discrimination, at the commissioner of the EEOC will be speaking. Ohio currently does not have any laws prohibiting such discrimination.
30. "Genetic information privacy and discrimination." The Health Care Manager, September 2001.
Lengthy discussion on the need for genetic testing for health care reasons, and the potential for misuse of such information by insurance companies and employers. Many lawmakers are calling for legal protections to guard against genetic discrimination.