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The September 28, 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

Crimes were solved through cold hits on DNA databases in Georgia, Wisconsin, and Maryland. Congress is considering allowing law enforcement to collect DNA from persons convicted of terrorist activities.

More states are reporting that their crime labs have been contacted by New York for possible assistance in the World Trade Center DNA analysis effort. The New York Governor has authorized the use of additional private labs for assistance with DNA analysis of victims from the terrorist attack.

Forensic DNA analysis efforts are being stepped up in Yugoslavia for identification of war victims. Officials in British Columbia, Canada are bringing pressure to bear on funding for a missing / unidentified persons database, and a missing persons database is being established in Korea for matching children and parents.

STATE LEGISLATION

Agriculture

1. New Hampshire HB 1171 -- establishes a committee to study the need to update state statutes in light of new federal organic standards and the legislature's role in protecting organic crops from contamination from genetically modified organisms.

NEWS ARTICLES

Forensic DNA

1. "DNA evidence linked to 1982 rapes." Calgary Herald, September 26, 2001.
In Canada, prosecutors have introduced evidence that allegedly links an accused killer to three rapes during 1982. DNA has also linked the man to the rape and murder for which he stands accused.
2. "Armed Forces lab in Maryland is veteran of DNA identification." Knight Ridder Washington Bureau, September 26, 2001.
Story on the Armed Forces Institute of Pathology DNA Identification Laboratory in Maryland. The lab is involved with the identification of the people who died in the terrorist attack on the Pentagon.
3. "DNA Data Bank Will Enable Parents to Find Missing Kids." Korea Times, September 26, 2001.
The South Korean government plans to set up and manage a database of missing children and their parents in cooperation with the Korea Welfare Foundation, which runs a center for the lost. About 100 million won is allocated to the project.
4. "Police Chemist Accused of Shoddy Work Is Fired." The New York Times, September 26, 2001.
In Oklahoma City, Oklahoma, a police chemist who is accused of shoddy work and false or misleading testimony in criminal cases, including 11 cases in which men have been put to death, has been fired. The state attorney general's office has said there is no indication that any innocent people had been executed. State

investigators said that a forensic team had reviewed 583 case files and marked 99 for further review –there are 574 case files left to review.

5. “Police chiefs make pitch for DNA bank.” The Vancouver Sun, September 26, 2001.
In British Columbia, Canada, Lower Mainland chiefs of police are requesting a meeting with the Solicitor-General provincial government's decision to delay the implementation of a missing and unidentified persons DNA database. The proposed DNA database is said to be on hold pending the Liberals' cost-cutting review of core government programs.
6. “International experts expand efforts to identify people missing after Balkan wars.” AP Worldstream, September 25, 2001.
The International Commission on Missing Persons will establish a laboratory in the Yugoslav capital, Belgrade, that will use DNA to identify people slain during a decade of wars in the region. Two other laboratories are currently operating in Bosnia.
7. “DNA test leads to arrest in August rape.” The Atlanta Journal and Constitution, September 25, 2001.
A cold hit on the Georgia DNA database has led to a man's arrest for two unsolved sexual assaults on elderly victims. The man was on probation at the time of the attacks.
8. “Forensic Help From British Officers On Thai Murder Case.” Birmingham Mail, September 25, 2001.
Senior officers from the British police force would fly to Thailand next month to help Thai police with DNA profiling in the case of a murdered British tourist.
9. “Los Angeles; Murder Defendant Tells Jurors DNA Evidence Was Planted.” Los Angeles Times, September 25, 2001.
A robber/murder defendant who has been linked to the crime through DNA found on a ski mask left behind at the crime scene claims that the DNA evidence was planted. The man had a prior conviction for robbery and was on parole at the time of the crime.
10. “Now, Doctors Must Identify the Dead.” The New York Times, September 25, 2001.
Thorough article on the forensic DNA identification effort underway in New York City. The Medical Examiner, State Police and another lab yet to be chosen will test 5 percent of all samples as a quality control for the tests performed at Myriad and Celera.
11. “Why DNA Is Far From Foolproof.” The Scotsman, September 25, 2001.
Argues that although forensic DNA may be an incredibly accurate method of identification, it still depends on human interpretation and therefore is not foolproof. Suggests that it could be used by “unscrupulous detectives” to frame a suspect.
12. “House Judiciary Committee Balks At Some Of Ashcroft's Requests For Broader Powers.” St. Louis Post-Dispatch, September 25, 2001.
Attorney General Ashcroft's proposal for anti-terrorism measures includes authority for prosecutors to collect DNA samples from convicted terrorists.
13. “Doubt Cast On Using DNA To Identify New York Victims.” The Seattle Post-Intelligencer, September 24, 2001.
New York City forensic investigators are considering using mitochondrial DNA testing since standard nuclear testing may not be feasible. The Director of the Washington State Patrol's Forensics Laboratory said the lab was contacted by the New York Police Department asking for forensic assistance. "We're going to see if we can add capacity to help out," he said. Genelex labs estimated that , given enough volume, it could conduct DNA tests for about \$500 per family, compared with the standard cost of about \$1,000 to \$2,000. Using this estimate, and if most of the New York remains require DNA identification, the total cost could reach well beyond \$100 million. Even if the DNA analyses could be kept to \$50 per sample and only half tested, the cost would still be more than \$10 million.
14. “Powers WA police can expect.” AAP Newsfeed, September 24, 2001.

Article reports that Western Australia will be expediting its DNA legislation. No further details available.

15. "Man charged with rape in DNA case." The Associated Press State & Local Wire, September 24, 2001. In Wisconsin, authorities have linked a man serving a 15 year prison term for a shooting to an unsolved rape from 1995 through a cold hit on the state's DNA database. This case is the second case in the state out of 15 "John Doe" warrants that has been solved through the DNA database.
16. "New Nevada laws take effect Oct. 1." The Associated Press State & Local Wire, September 24, 2001. The new Nevada laws taking effect on October 1 includes a requirement for DNA testing for everyone convicted of a felony involving the use or threat of violence.
17. "King OKs funds to help crime lab aid NYC." Bangor Daily News (Bangor, ME), September 24, 2001. The Governor of Maine has authorized the use of up to \$195,000 to be used to help the Maine State Police Crime laboratory identify victims of the terrorist attacks if a request for aid is issued. The lab would be expected to process about 100 DNA samples a week, and would need two temporary positions would be needed at the lab.
18. "Congress to weigh privacy right vs. security need." The Florida Times-Union, September 24, 2001. One of the security proposals being considered by Congress is allowing law enforcement to collect DNA from people convicted of any terrorism-related crime, something investigators hope will produce new evidence in unsolved cases.
19. "Celera to help identify attack victims by DNA." The Washington Times, September 24, 2001. Celera intends to help New York City in forensic identification, but first must become certified as a forensic laboratory. Certification should be forthcoming shortly. The Medical Examiner's Office in New York City has said it will also be working with Applied Biosystems Group, Celera's sister company, and Myriad Genetics of Salt Lake City - none of the companies expects compensation.
20. "Cops: Lab Illegally Sought Victim DNA." Newsday (New York, NY), September 23, 2001. A Bronx woman running an unlicensed lab might have scammed unsuspecting relatives of the terror attack victims into providing her with DNA samples. She did not charge undercover police a fee and also asked for the missing person case number. She faces up to a year in prison.
21. "Indictment handed up in 13-year-old rape case after DNA match." The Associated Press State & Local Wire, September 22, 2001. In Maryland, a "cold hit" on the state's DNA database has resulted in an indictment of a convicted sex offender in a 13-year-old rape case. Maryland's DNA database of 5000 offenders is expected to double by the end of the year.
22. "Governor authorizes more DNA labs to help identify the missing." The Associated Press State & Local Wire, September 22, 2001. New York Governor George Pataki has issued an executive order to increase the number of laboratories helping with DNA identification of those missing in the World Trade Center terrorist attacks. Pataki's order directs state health and criminal justice commissioners to authorize additional private laboratories. The new labs include Bode and another lab in Arizona.
23. "Court says DNA, circumstantial evidence doomed rapist." The Associated Press State & Local Wire, September 21, 2001. In Arkansas, the state Supreme Court has ruled that DNA traces and other circumstantial evidence is enough to uphold a man's conviction of four rapes, attempted rape, five burglaries, an attempted burglary, second-degree battery and one count of exposure to AIDS. The man had argued that his convictions were based solely on DNA evidence, which did not constitute substantial evidence to identify him as the perpetrator. In its ruling the state Supreme Court did not establish that DNA evidence alone was sufficient to establish identity, but that together with other evidence recovered by police was sufficient to convict.

24. "Convicted murderer appealing use of DNA in trial." The Associated Press State & Local Wire, September 21, 2001.
In Montana, attorneys for a man convicted of murder are appealing the conviction based largely on their contention that the DNA evidence and the methodology used in analyzing saliva found on the victim's body was unreliable. "The state's expert used an unpublished, unreviewed computer program and was unable to verify his methodology," the inmate's attorneys argue. "That methodology has not attained general acceptance."
25. "N.C.-based LabCorp collects DNA samples." The Herald-Sun (Durham, NC), September 21, 2001.
LabCorp is collecting DNA samples from relatives of persons missing in the World Trade Center. The lab will not be doing the DNA analysis, but will ship the samples to the New York City Medical Examiner's office. The service is being offered free of charge.
26. "State expected to help in victim identification." The Associated Press State & Local Wire, September 20, 2001.
The Connecticut state police laboratory expects to be sending DNA experts to help process items to identify victims of the World Trade Center attack. At the time of the article, the state was still working out the details with New York officials, but expected four to five state DNA experts to go to Albany.

Genetic Privacy

27. "Fury at plan to sell off DNA secrets." The Observer, September 23, 2001.
In the UK, confidential minutes of top-level meetings of a government-formed panel of medical and industry reveal there is pressure being exerted by biotech companies to store DNA samples collected from patients during routine hospital treatment on a national database and "auction" the information to pharmaceutical companies.