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The January 4, 2002 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

Two bills were introduced in Mississippi to expand the offender DNA database to include all convicted felons, and an all-felons bill enacted in Michigan in 2001 has come into effect. Virginia's database has made over 300 "cold hits" in 2001, and cold hits were reported recently in Ohio, Florida, and Maryland.

The Baltimore Mayor is requesting more funding for crime labs and is asking for expanded DNA databases. Articles in Texas spotlighted a new DNA law to collect samples from certain suspects and issues associated with John Doe warrants and backlogs.

The US military is collecting DNA from dead and captured al Qaida members for identification purposes. Animal DNA is being used increasingly to solve crimes from murder and assault to theft. A cigarette but lead Michigan detectives to a rapist, and many members of a Colorado football have been asked for DNA samples in connection with a rape investigation.

A post conviction bill has been introduced in Mississippi. Many newspapers reported on the Department of Justice's decision to divert funding away from a post conviction DNA testing grant.

A broad interpretation of the DNA database statute by a Canadian appeals court will mean more samples for the Canadian DNA database. An Australian state received its first "cold hit" from the offender DNA database, and a "cold hit" on the New Zealand database identified a rapist. Greek and Turkish Cypriots have agreed to work together on missing persons issues -- DNA identification will be involved.

STATE LEGISLATION

Forensic DNA

1. Mississippi HB 280 -- Expands offender DNA database to include all convicted felons.
2. Mississippi HB 373 -- Expands offender DNA database to include all convicted felons.
3. Mississippi HB 217 -- Provides for post-conviction motions for DNA for all capital death penalty cases.

Genetic Privacy / Genetic Research

4. Mississippi HB 178 -- Prohibits the use of genetic testing for discriminatory purposes by employers.
5. Mississippi HB 180 -- Provides that genetic information is personal property and requires informed consent for genetic testing.
6. Mississippi HB 183 -- Creates the "Genetic Information Nondiscrimination in Health, Life and Disability Insurance Act of 2002."

7. Mississippi HB 258 -- Creates the "Genetic Information Nondiscrimination in Health Insurance Act of 2002."
8. New Jersey AB 4057 -- Directs the Department of Health and Senior Services to establish a biological agent registry and to administer a program for the registration of biological agents.
9. South Carolina SB 820 -- Makes it unlawful for any person through "cloning" to grow or create a human being, or any human part, or to conspire to do so.

NEWS ARTICLES

Forensic DNA

1. "Number of homicides in 2001 drops in Louisville." The Associated Press State & Local Wire, January 1, 2002.
The Mayor of Louisville, Kentucky credited growing use of DNA testing to identify suspects as a factor in the recent drop in homicides. The number of homicides in Louisville last year plunged to its lowest number since 1950.
2. "Laws beginning Jan. 1 require convicted felons to give DNA." The Associated Press State & Local Wire, December 31, 2001.
The newly enacted legislation in Michigan to expand the state's offender DNA database to include all convicted felons came into effect on January 1. The new laws are expected to increase the state's DNA database by about 5,000 per week. The database currently holds 16,000 samples from violent criminals. The state estimates that it will take about \$1.5 million to process the additional samples every year, which should be partially off-set by a new \$60 fee offenders must pay for the processing.
3. "List of convictions that would require offenders to give DNA." The Associated Press State & Local Wire, December 31, 2001.
Some of the misdemeanor offenses that were included in the enacted Michigan legislation which expanded the state DNA database to include all felons are : - window peeping, indecent or obscene conduct in public, indecent exposure, violating prostitution statutes for the first or second time, leasing a house for prostitution, and taking or detaining a female under 17 for prostitution.
4. "DNA tests to avoid future terror attacks." United Press International, December 31, 2001.
The U.S. military is reportedly collecting DNA from al Qaida suspects captured in northern Afghanistan before transferring them to more secure facilities around Kandahar. The genetic profiling of some of the most violent members of bin Laden's terrorist network is part of an elaborate screening process to separate members of al Qaida from native Afghan detainees. Their DNA is being recorded not only to separate them from other Taliban detainees and identify them individually but also to help trace possible family members and relatives who could be active with al Qaida terrorist cells around the world.
5. "Greek, Turkish Cypriots Agree to Solve Issue of Missing Persons." Xinhua, December 31, 2001.
The Cypriot government has confirmed that Greek and Turkish leaders have agreed to work for solving the humanitarian issue of missing persons. The Greek Cypriot side has started unilaterally a process of exhumation and identification of remains from two cemeteries. So far, over 100 remains have been identified through DNA testing.
6. "DNA Ruling Doesn't Apply Here." The Edmonton Sun, December 30, 2001.
An Ontario Court of Appeal decision, which overruled decisions by judges not to order DNA samples from convicted criminals, is not binding in Alberta. The Ontario Court of Appeal ruled four criminals will have to give DNA samples, although the judges who heard their cases did not believe the samples were justified. "The Ontario decision doesn't set any precedent for a judge in Alberta but the cases could be cited as guidance if there was a similar appeal here," said a Justice spokesman.
7. "Pet DNA Helps Solve Murders." Newsday (New York, NY), December 30, 2001.

A dog hair found on the sock of a murder victim has been used to link the dog's owners to the woman's murder. In another cases, the blood of a dog was instrumental in convicting gang members who murdered the couple it lived with. Urine sprayed on a truck tire by an Iowa farm dog helped identify his owner's assailant. Bits of dog feces on a shoe implicated a suspect in the execution-style slayings of three Indiana carpenters.

8. "Bail, DNA bills sought." The Baltimore Sun, December 29, 2001.
The Mayor of Baltimore, Maryland is asking the General Assembly for \$4 million for the state's DNA labs. He would also like the Assembly to eventually require that DNA samples be taken from anyone arrested for a felony and from those arrested for some misdemeanors
9. "Murder victim's identity mistaken, DNA shows." The Associated Press State & Local Wire, December 29, 2001.
In Alabama, DNA testing has recently confirmed that a murder victim's body has been misidentified as a missing teen-ager.
10. "Bullet extortion case: DNA report shows no traces of saliva on envelope." Channel NewsAsia, December 29, 2001.
In Malaysia, the defense for man accused of extortion suffered a significant set-back when a DNA lab did not find any testable saliva on the envelope used to deliver the extortion threat. The accused had hoped that the DNA test would exonerate him.
11. "DNA sampling may become routine." The Hamilton Spectator, December 29, 2001.
The Ontario (Canada) Court of Appeal has ordered four convicted criminals to provide DNA samples to a federal data bank despite objections that the process would infringe on their privacy. The decision, is expected to force more convicts to provide DNA for the national database regardless of their offences or criminal backgrounds. The court ruled, "...in the case of an ordinary adult offender there are important state interests served by the DNA data bank and few reasons based on privacy and security of the person for refusing to make the order." The ruling may result in more DNA collections being ordered in cases where judges have "discretionary" authority.
12. "Skimping on DNA tests." Chicago Tribune, December 29, 2001.
Chicago Tribune finds it "distressing" that \$750,000 originally slated for grant program for post conviction DNA testing was diverted to identifying victims of the Sept. 11 attacks and developing methods for identifying mass casualties in the future. The writer notes that the Department of Justice has a budget of \$20 billion.
13. "Calf's DNA leads to rancher's arrest." The San Francisco Chronicle, December 28, 2001.
The California Department of Food and Agriculture has used DNA testing on a calf to prove that a rancher stole cattle from someone else. Cattle rustling is a felony in California and it is punishable by a year in jail or state prison. The complaint accuses the rancher of stealing 11 cattle, with an estimated value of \$47,000.
14. "Funds for DNA Testing of Criminals Are Diverted." Los Angeles Times, December 27, 2001.
The Justice Department has decided to divert \$750,000 in grant money for post conviction DNA testing to identification of victims of the Sept. 11 terrorist attacks. The idea for the grant program originated during the Clinton Administration.
15. "China's Efforts Against Crime Make No Dent." The New York Times, December 26, 2001.
Article on crime in China reports that prosecutions in China have long relied more on confessions than on physical evidence. The use of DNA analysis to solve crimes, for instance, is still extremely rare.
16. "Updating State Terrorism Laws." The San Luis Obispo Tribune, December 26, 2001.
Editorial suggests, "Thanks to scientific advancements, it is now possible to match DNA samples against databases that might link terror suspects to other crimes, including the use of fake driver's licenses and visas. Why not use that tool, too?"
17. "On a genetic hunt for serial rapist." Austin American-Stateman, December 24, 2001.

Extensive article on a Texas search for a serial killer and a John Doe warrant that has been issued. Authorities are hoping that the offender DNA database will one day identify the killer. Article discusses the significant backlogs on offender DNA samples and forensic samples that are present at almost every state lab.

18. "DNA sought in CU rape case." The Denver Post, December 23, 2001.
University of Colorado police are asking several football players to submit DNA samples in hopes of uncovering answers in the investigation of an alleged gang rape at a party thrown for football players and recruits.
19. "Grim search on for DNA." The Gazette (Montreal), December 23, 2001.
The US military is engaged in the grim task of cutting off the fingers of dead Al-Qa'ida fighters in the mountains of eastern Afghanistan so that DNA tests can be done. The FBI will use the body parts to clarify through DNA analysis whether any prominent members of the Al-Qa'ida organization, including bin Laden, died in the battle of Tora Bora. Officials are reported to have collected DNA samples from members of bin Laden's family to check for a match.
20. "New law testing DNA for sex offense cases raises privacy issues." The Houston Chronicle, December 23, 2001.
A new law in Texas will allow DNA to be taken upon arrest for people accused of one of a series of sex offenses who also have a prior conviction or deferred adjudication for sex-related crimes or for burglary of a home. DNA can also be taken after grand jury indictment for people accused of one of the sexual offenses but who have no sex-related prior convictions. The Texas Department of Public Safety is charged with collecting and testing the DNA samples, and also can give local police agencies a list of approved labs where samples can be tested at the cost of the local police if they want speedier service. Article discusses potential privacy issues.
21. "Chief Rips 'Out-Of-Touch' Feds." The Toronto Sun, December 23, 2001.
In a year-end interview the Toronto Police Chief expressed frustration with senior levels of Ottawa's government for failing to establish a DNA database for criminal suspects
22. "DNA links man to 1999 rape of Meade High School student." The Associated Press State & Local Wire, December 22, 2001.
In Maryland, a "cold hit" on the offender DNA database has linked a man in prison for robbery to the unsolved carjacking and rape of a high school student in 1999. The man was not previously a suspect in the case and most of the leads for the detectives on the case had already dried up. The Maryland database currently has about 13000 samples and another 3000 backlogged.
23. "State fair worker admits sexual abuse." The State Journal-Register (Springfield, IL), December 22, 2001.
In Illinois, a carnival worker has admitted sexually abusing a girl during the State Fair last August. The match was made through the state of Florida's DNA database. The man was working with the carnival under an assumed name and fled to Oklahoma the day after the incident. He was arrested when he registered as a sex offender in Oklahoma.
24. "'Cold Hits' On DNA Top 300 In State." Daily Press, December 21, 2001.
Virginia's DNA database made over 300 "cold hits" in 2001. Of the 301 cases matched, 278 identified the person whose DNA was being tested, and 23 matched one crime scene with another. Last year, there were 178 hits; the year before, 74; and in 1998, just five. The 301 cold hits this year involved 153 property crimes, 42 homicides, 65 rapes, two rape/homicides and several dozen other crimes. Virginia's DNA databank program, which costs roughly \$6 million a year to operate, began in 1989, and is the oldest and largest in the nation. Virginia's labs have also been able to eliminate one in every four suspects police believed might have committed a crime.
25. "State denies stay request based on missing DNA evidence." The Associated Press State & Local Wire, December 20, 2001.
In North Carolina, A Warren County judge has denied a request from a condemned killer to halt his scheduled execution so he can seek DNA testing his lawyers believe could exonerate him. A new law in North Carolina

allows for post conviction DNA testing, but in this case the prosecution cannot find the DNA evidence and the defense was seeking time to search for it.

26. "TBI Crime Lab For Tri-County Area Opens With Own Staff Of Experts." The Commercial Appeal (Memphis, TN), December 20, 2001.
A new \$3-million, 18,000-square-foot crime lab has opened in Tennessee. Functions of the lab include DNA analysis.
27. "First blood to new DNA database." The Daily Telegraph (Sydney), December 20, 2001.
In New South Wales, Australia, the new DNA criminal database landed its first suspect in court after it matched a blood sample from a crime scene to a former prison inmate. The man's DNA had been found at the scene of a robbery.
28. "Inmate who expected parole indicted through DNA database." The Associated Press State & Local Wire, December 19, 2001.
A Cincinnati, Ohio man who expected to be released from prison was among three inmates indicted on rape charges through the state's collection of DNA samples from prisoners. The man was scheduled to be paroled after serving time for a 1994 aggravated burglary conviction.
29. "DNA data brings extra jail." The Evening Post (Wellington), December 19, 2001.
In New Zealand, a man serving a prison term for a violent crime has been jailed for another 14 years after a DNA profile of him matched samples taken from three sexual attacks four years ago.
30. "Police Use DNA In Rape Case." Detroit Free Press, December 13, 2001.
A discarded cigarette butt helped lead police in Detroit, Michigan to the door of a 19-year-old man who has now been charged with the rape of a woman in her home. Detectives believed the man to be a suspect in the crime, and collected a cigarette butt that he dropped one day.

Genetic Privacy / Genetic Research

31. "Stem-Cell Research Not To Be Confused With Cloning." Wisconsin State Journal, December 30, 2001.
CEO of a biopharmaceutical company argues that "Stem-cell research is vital to our national security. We must ensure that legislative efforts to corral cloning does not - either through ignorance or undue haste - deny the promise of stem-cell technology."
32. "Where next with cloning knowhow?" The Vancouver Sun, December 29, 2001.
"Apparent schism between science and ethics of genetic engineering will be a major concern." Basic argument is that ethical debate over genetics issues is not keeping up with the progress of genetics science.
33. "Copies available of your own cloning manual." Calgary Herald, December 23, 2001.
Dave Barry column on cloning issues.
34. "Labour proposes ban on human cloning." The Irish Times, December 20, 2001.
In Ireland, The labour Party has published legislation to ban human cloning. The bill "seeks to prohibit the bringing into being of a human embryo other than by a process of fertilization, intended to lead to childbirth. It proposes a 10-year jail sentence, and or a fine, for anyone who brings a human embryo into being by means other than by fertilization 'without exception'."

Paternity

35. "N.S. Supreme Court judge orders 1 of twins'3 'fathers'to pay 1/3 guidelines support." The Lawyers Weekly, January 4, 2002.
In Canada, a man who found out through DNA his wife deceived him into believing for 10 years he was the natural father of twins has been ordered to pay child support, but at a discounted rate since the children have

two other "dads."

CONGRESSIONAL RECORD

1. In the Senate, a Department of Justice Authorization bill would modify the Paul Coverdell National Forensic Science Improvement Act of 2000 to enhance participation by local crime labs and to allow for DNA backlog elimination.
2. The Department of Defense FY 2002 Appropriations Act includes \$11,278,000 "for **DNA** systems and analysis."