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The February 15, 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

A Virginia bill to require DNA samples from all violent felony arrestees has passed both chambers of the legislature. New all-felons DNA database expansion bills have been introduced in Illinois and West Virginia. Expansion bills have passed the House of Representatives in Kentucky, Iowa, and Illinois. A bill to make the Colorado all-felons law retroactive is moving ahead. The California database is becoming more successful, but still faces many obstacles.

A new bill in Illinois would remove the statute of limitations for certain crimes if DNA is available. A man who was initially charged with a based on his DNA profile has been found guilty. Another county in New York has filed "John Doe" charges based on a perpetrator's DNA profile.

A post conviction DNA bill has been introduced in Rhode Island. In Chicago, DNA testing has exonerated four men of a 1986 murder and subsequently identified two new suspects. A post conviction DNA testing exoneration in Pennsylvania is being highlighted as a reason for that state to change its laws.

Funding for crime labs in Georgia and Pennsylvania are in jeopardy due to state budget cuts.

In Australia, police are debating the merits of requiring DNA samples from police for "elimination" purposes. Forensic work in Ireland is considerably backlogged and could be getting worse. A cold case solved from New Zealand's DNA database is praised by prosecutors. India may be establishing a forensics network which could include a DNA database.

## STATE LEGISLATION

1. Illinois HB 5578 – Removes the statute of limitations for the prosecution of certain crimes if DNA evidence is available.
2. Illinois SB 1769 -- "Illinois Independent Forensic Science Act." Establishes an independent commission responsible for overseeing the performance of forensic science laboratories and maintaining the independence of laboratories from both the prosecution and the defense.
3. Illinois SB 2024 – Expands offender DNA database to include all convicted felons.
4. Rhode Island SB 2721 -- Provide for DNA testing as a remedy for post conviction relief.
5. West Virginia SB 524 – Expands offender DNA database to include all convicted felons.

## Genetic Privacy / Research

6. California SB 1354 – Requires health insurance to provide the same medical coverage concerning genetic diseases or medical conditions to an adult who does not have information about his or her family medical history because of adoption as that provided to an individual whose family medical history indicates a genetic predisposition for a certain disease or medical condition.

7. Iowa SB 2118 – Prohibits human cloning.
8. Minnesota HB 2967 – Requires accreditation of human genetic testing laboratories.
9. Missouri HB 1790 – Prohibits human cloning.
10. South Carolina SB 986 -- Creates a birth defects surveillance study committee.
11. Tennessee HB 2675 & SB 2295 – Prohibits human cloning.
12. Wyoming HB 73 -- Limits the disclosure of information obtained as a result of a genetic test.

### Paternity

13. Maryland HB 702 – Creates a statute of limitations for challenging paternity orders based on genetic testing results.

### **NEWS ARTICLES**

1. “Greens join fight against police DNA testing plan.” The Mercury Hobart, February 13, 2002.  
In Tasmania, Australia, the Greens party has joined police in objecting to requiring Tasmania Police to provide samples so they can be eliminated from DNA collected at crime scenes. Police fear wide-ranging genetic information might eventually be used to screen for officers with a predisposition to disease or illness.
2. “Police discuss need for national guidelines on DNA samples.” AAP Newsfeed, February 12, 2002.  
The Police Federation of Australia may draw up national guidelines for DNA sampling of police officers following a Tasmania proposal to introduce the scheme.
3. “Va. OKs Bills Allowing DNA Sampling.” AP Online, February 12, 2002.  
In Virginia, lawmakers have overwhelmingly approved legislation to require DNA samples from persons arrested for violent felonies. The Governor has said he opposes taking DNA samples from people not convicted of crimes – but the bill passed both chambers with veto-proof margins.
4. “Iowa Legislative record.” The Associated Press State & Local Wire, February 12, 2002.  
In Iowa, the House has unanimously passed a bill that would require DNA samples from all convicted felons.
5. “Backlog’ leads to forensics protest.” Irish News, February 12, 2002.  
In the Republic of Ireland, staff at the laboratory at Garda Headquarters in Dublin voted at the weekend to refuse to take on new cases from March 4. Staff complain that their work is being hampered by a massive and growing backlog because of staff shortages. Union representatives have said around 30 extra staff are needed to restore the 1985 ratio of staff to caseloads. A report from Deloitte and Touche published last year called for more staff and better facilities including a custom designed laboratory and the establishment of a national DNA database for convicted criminals.
6. “Tests Clear Six In Backpacker Rape And Murder Case.” Press Association, February 12, 2002.  
In Thailand, DNA tests have cleared six hill tribesmen suspected of murdering a British backpacker 18 months ago. The DNA testing was done after it was revealed that the DNA of a local farmer, and early suspect in the case, was close enough to the killer's to indicate they must be related
7. “Some key events at the Arizona Legislature.” The Associated Press State & Local Wire, February 11, 2002.  
In Arizona, the House Committee on Judiciary was scheduled to consider a bill to establish procedures for convicted persons to pay the costs of DNA testing.

8. "DNA Bank Solves Crimes." Los Angeles Times, February 11, 2002.  
Reports that California's DNA databank "is slowly kicking into gear after a history of underfunding and neglect." In 2001 there were 48 cold hits matching DNA evidence from unsolved crimes with the genetic material of convicted felons--the program's most successful year -- but with the biggest prison system in the country, California still trails behind other states. One difficulty in California is that refusal to give a DNA sample is a misdemeanor, a meaningless punishment to those locked up for years. There are 800 state inmates who won't give samples, along with the roughly 600 people on death row who have been shielded from the DNA requirements by a lawsuit. A proposal to let corrections officers resort to force without a court order to get DNA samples was recently introduced in the state Legislature.
9. "Defense Lawyer: DNA Legislation Needed To Help Clear Wrongly-Convicted Inmates." Pennsylvania Law Weekly, February 11, 2002.  
In Pennsylvania, defense attorneys are using the case of an inmate who fought for seven years to have DNA from his 1987 rape conviction prove his innocence as an illustration of the need for legislation giving prisoners greater access to post-conviction DNA testing.
10. "Two months after innocent men cleared in 1986 Chicago murder, two new suspects charged." The Associated Press, February 8, 2002.  
In Chicago, two suspects have been charged with murder in the 1986 death of a medical student, a crime for which four men had spent years in prison before being cleared two months ago. DNA evidence both exonerated the four inmates and then linked the two new suspects to the crime. The two suspects have admitted their guilt.
11. "South Florida man arrested for murder 22 years ago." The Associated Press State & Local Wire, February 8, 2002.  
New DNA evidence has tied a South Florida man to the rape and murder of a woman 22 years ago. DNA analysis was not available at the time of the murder, but hair samples from the assailant were collected from the victim's body. The hairs were recently tested and matched a DNA sample a suspect had given during the investigation.
12. "Snow fights plan to cut law enforcement funds." Chattanooga Times/Chattanooga Free Press, February 8, 2002.  
In Georgia, the chairman of the House Public Safety Committee wants to save \$1.6 million that the Governor proposes to cut from the budget of state law enforcement agencies this year. Members of the legislature say that cutting the GBI budget would create backlogs in the processing of evidence sent to the state crime lab.
13. "Databank Lauded In Rape Case." The Christchurch Press, February 8, 2002.  
In New Zealand, prosecutors are hailing the national DNA database for the conviction of a man for a rape he committed in 10 years ago. The man pleaded guilty to the charges after DNA revealed he was "one hundred thousand million times" more likely than any man chosen at random in New Zealand to have committed the rape.
14. "DNA evidence laws 'in need of an overhaul'." The Daily Telegraph (Sydney), February 8, 2002.  
A parliamentary committee for an Australian state determined, after an 18-month investigation, that DNA was not proof of guilt on its own. Among more than 50 recommendations, the committee concluded juries should be warned about the risks of convicting people on DNA evidence. The committee recommended police be forced to obtain a court order before undertaking mass DNA screenings, and that a State Institute of Forensic Sciences be established to manage the use of technology in criminal investigations.
15. "Felon DNA-Test Bill Is Sent To Senate." The Lexington Herald-Leader, February 8, 2002.  
In Kentucky, a bill has passed the House of Representatives to expand the offender DNA database to include a wider sampling of felons. However, the expansion would not start until funds become available to pay for the crime-lab testing, and little money is available in the budget.
16. "Rapist identified by DNA is convicted." The Associated Press State & Local Wire, February 7, 2002.

In Wisconsin, a prisoner first identified as a rape suspect based solely on his DNA was found guilty of kidnapping and sexual assault in the incident which occurred seven years ago. The man, who has two past rape convictions, was linked to the 1994 rape through a sample of the genetic material DNA obtained from him in 1996, a year after he went to prison for robbery. The case is expected to be appealed to the state Supreme Court.

17. "DNA testing identifies remains as teen missing since 1983." The Associated Press State & Local Wire, February 7, 2002.  
DNA testing has identified a skeleton found in rural Orange County as that of a teen-ager missing since 1983. The family could not afford the cost of up to \$8,000 per DNA sample that most laboratories were charging at the time the bones were found in 1996. Ultimately, the University of Florida arranged for the university to conduct three DNA tests for free, and used hair samples from the child's mother and aunt to make the match.
18. "DNA links man to 1993 sexual assault, officials say." The Associated Press State & Local Wire, February 7, 2002.  
A man suspected of raping two teen-agers in Arizona in 1993 was found in Tennessee last month. The man's DNA, stored in a national index system for criminals, matched evidence collected from the two girls. The man's DNA was in the offender DNA database due to a conviction in Washington state.
19. "House backs plan to collect inmates' DNA." Daily Herald (Arlington Heights, IL), February 7, 2002.  
In Illinois, an expansion of the state's criminal DNA database to include all felons was overwhelmingly approved by the state House. The bill is retroactive and would require DNA from all inmates within the state's prisons, but felons already released from the system would not be swabbed. Representatives from the Illinois State Police have previously questioned whether money exists to expand DNA sampling, but now say they support the proposal and are searching for funding alternatives.
20. "Lebanon Police To Use DNA To Identify Kids." Dayton Daily News, February 7, 2002.  
Police in Lebanon, Ohio are starting to give out DNA kits that parents can keep to identify their children in the event of a tragedy. The FBI estimates that about 2,300 children are reported missing every day.
21. "Running Out of Time and Suspects, DAs Indict DNA." Newhouse News Service, February 7, 2002.  
A grand jury in Onandaga County, New York has indicted the DNA profile of a "John Doe" assailant. The prosecutors filed the charges against the DNA profile because the statute of limitations for the crime was about to expire. If the DNA evidence later is matched to a specific person, authorities say, prosecution can go forward no matter how much time has elapsed.
22. "Forensic Network In Offing." Business Line, February 6, 2002.  
In Hyderabad, India, the Directorate of Forensic Science is establishing a national network to connect the forensic institutes in the country with the police and judiciary for optimum utilization in crime detection and management. Databanks and facilities would be created in specialized areas such as computer forensics, DNA fingerprinting, image analysis, etc.
23. "Budget Fends Off Tax Increase." Pittsburgh Post-Gazette, February 6, 2002.  
The Pennsylvania Governor's proposal for budget reductions includes withholding funding for Allegheny County's crime lab and county police operations. The County Chief Executive sought and had received \$7.5 million for the lab and police in each of the last two years.
24. "Senate Panel Backs DNA Tests For All Felons." Rocky Mountain News (Denver, CO), February 5, 2002.  
In Colorado, the House Judiciary Committee is supporting legislation to make the current all-felons DNA database statute to apply retroactively.

#### Genetic Privacy

25. "A Try To Clone Human Being Is Set To Start." The Boston Globe, February 12, 2002.

A controversial Kentucky-based fertility specialist said yesterday he plans to begin efforts next month to clone a human being.

26. "Republicans call for changes in DNA storage rules." The Associated Press State & Local Wire, February 11, 2002.

In South Carolina, Republicans in the state legislature believe that state health department's practice of indefinitely keeping DNA samples from newborns without parental permission is an invasion of privacy. Like every other state in the nation, South Carolina tests newborns for genetic diseases. But while most states destroy the DNA samples after testing, South Carolina's Department of Health and Environmental Control keeps the samples. Legislation is being drafted to allow parents to opt out of having the DNA sample retained.

27. "Bush pushes health care reform during Wisconsin stump." The Milwaukee Journal Sentinel, February 12, 2002.

In a recent speech, President Bush said, "Just as we addressed discrimination based on race, we must now prevent discrimination based on genetic information."

28. "Bush warns against danger of genetic discrimination." Agence France Presse, February 11, 2002.

In a recent speech, President Bush said, "By 2010, scientists predict genetic tests will allow individuals to know if they are predisposed to certain conditions. Within 20 years, targeted drug and gene therapies will be available for diabetes, hypertension and other diseases. As we pursue the promise of these projects, we must also be alert to their dangers. Genetic information should be an opportunity to prevent and treat disease, not an excuse for discrimination."