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The February 8, 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

Bills to expand DNA databases to include all convicted felons have been introduced in Hawaii, Iowa, Maryland and Oklahoma. More limited DNA database expansion bills were introduced in Missouri and Oklahoma. Many state legislatures are beginning to move forward on DNA expansion bills, including, New Hampshire, Illinois (all felons), and Kentucky.

Georgia's database has become increasingly successful since it was expanded to include all convicted felons a year ago. Problems with DNA backlogs in Missouri and New Jersey made the news, and Iowa's US Senators announced \$1 million in federal funding for state lab improvements and backlog reductions. Minnesota authorities say local jurisdictions are not complying with requirements to collect DNA from certain felons for the state database.

Oklahoma legislators introduced a bill to remove the statute of limitations for certain crimes if DNA evidence is available, and similar bills in Georgia and Missouri appear to be headed towards enactment. DNA played a significant role in criminal cases in Minnesota, Florida, New York, Chicago, Louisiana, and Ohio.

Bills to allow greater access to post conviction DNA testing were introduced in Maryland, New Mexico and Rhode Island. A South Dakota DNA testing bill is moving forward in the Senate. Post conviction DNA cases received attention in Washington, Pennsylvania and Georgia.

DNA laws in an Australian state are under review and may need a significant overhaul. South Africa's DNA testing facility is under increasing strain from case requests.

STATE LEGISLATION

Forensic DNA

1. Hawaii HB 2670 – Expands offender DNA database to include anyone convicted of “an offense.”
2. Illinois HB 4195 – “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. Iowa HB 2201 – Expands offender DNA database to include all convicted felons.
4. Kentucky HB 507 & SB 144 – Appropriations bill includes earmarked funding for DNA analysis equipment.
5. Maryland HB 427 – Allows greater access to post conviction DNA testing.
6. Maryland HB 445 -- Requires the State to preserve scientific identification evidence without regard to the State's knowledge that the evidence contains DNA.
7. Maryland SB 486 – Expands offender DNA database to include all convicted felons. Establishes a DNA Technology Fund.

8. Missouri HB 1700 – Expands offender DNA database to include burglary and robbery and attempts to commit any listed crimes. Allows state to charge a fee for requests to search the state database by out of state law enforcement.
9. New Mexico SB 363 – Removes deadline of July 1, 2002 for submission of post conviction DNA testing requests.
10. Oklahoma HB 2790 & SB 1428 – Removes the statute of limitations for certain sex crimes if DNA evidence is available.
11. Oklahoma SB 979 – Expands offender DNA database to include all felons
12. Oklahoma SB 1537 – Expands offender DNA database to include certain crimes against children, assault and battery, burglary, robbery, and an assortment of other violent felonies, Allows saliva samples to be collected.
13. Oklahoma SB 1591 – Requires forensic labs to maintain national accreditation.
14. Oklahoma SB 1638 – Expands offender DNA database to include all convicted felons.
15. Rhode Island HB 7123 – Requires the prosecution and defense in felony prosecutions to make available to the adverse party any relevant DNA evidence.

Genetic Privacy / Research

16. Florida HB 1053 & SB 2002 -- Authorizes formation of a study group to research expanded newborn infant screening programs currently operating in other states.
17. Florida SB 2026 -- Creates the "Genetic Counseling Practice Act" to provide for regulation and licensure of the practice of genetic counseling. Creates the Board of Genetic Counselors for regulatory oversight of the profession.
18. Hawaii SB 2766 -- Prohibits genetic discrimination in employment.
19. Kansas HB 2736 – Prohibits human cloning.
20. Kansas HB 2737 – Prohibits “destructive research on a human embryo.”
21. Oklahoma HB 2011 – Prohibits human cloning.
22. Oklahoma HB 2142 – Prohibits human cloning.
23. Oklahoma SB 1552 - Prohibits human cloning.
24. Rhode Island HB 7149 – Prohibits requiring genetic testing as a condition of employment.
25. Tennessee HB 2675 & SB 2295 – Prohibits human cloning.
26. Wyoming HB 73 – Limits the disclosure of information obtained as a result of a genetic test.

Paternity

27. Georgia HB 1224 -- Provides for payment for a genetic test to establish paternity.
28. Minnesota HB 2595 – Procedures for genetic testing in paternity proceedings.

29. South Carolina HB 4608 -- Any order for child support must be set aside if an action is brought within three years of the establishment of paternity and if genetic testing does not result in a statistical probability of paternity of ninety-five percent or higher.

NEWS ARTICLES

Forensic DNA

1. "2002 Georgia Legislature: Legislative Notes." The Atlanta Journal and Constitution, February 6, 2002.
The Georgia Senate has unanimously passed a bill to eliminate the statute of limitations for prosecuting violent criminals. The bill's sponsors want to give the state more time to identify offenders through DNA evidence.
2. "Funding Found to Keep Women's Shelters Open." Los Angeles Times, February 6, 2002.
The Governor of California is using \$4 million in surplus from a \$50-million state grant to help reduce DNA backlogs to help finance housing for victims of domestic violence.
3. "Convicted Killer Is First To Try Out New DNA Law." Seattle Post-Intelligencer, February 5, 2002.
For the first time in Washington State, an inmate is attempting to take advantage of a new law allowing post conviction access to DNA testing. The inmate wants to have hair found in the victim's hand tested for DNA. A law passed in 2000 offered DNA testing to inmates who were handed life or death sentences before the science was advanced enough to use on the evidence. Last year, the Legislature extended the offer to all convicted felons.
4. "Mo. Hurries to Extend Rape Statute." AP Online, February 5, 2002.
In Missouri, the House has already passed legislation to remove the statute of limitations for the prosecution of rape and sodomy, and the Senate is expected to pass the legislation soon. Missouri prosecutors thought their state law already gave them an unlimited time to bring charges in such cases - until a state appeals court in December 2000 interpreted the law to provide for a three-year statute of limitations for rape and sodomy. In the meantime, some prosecutors have begun filing charges against a "John Doe's" using the rapist's DNA.
5. "Defense says DNA proves prisoner's innocence." The Associated Press State & Local Wire, February 5, 2002.
In Pennsylvania, a man who has been in jail for more than 15 for raping two women may be cleared by DNA evidence after a seven-year battle to have the testing done. Prosecutors have refused to release the man even though DNA testing (done by a lab paid by the defense) has indicated that the same man committed both rapes, but neither of the rape kits matches the DNA of the inmate.
6. "Edina Man Charged In St. Paul Assault; Suspect Already Jailed In Minneapolis Attacks." St. Paul Pioneer Press, February 5, 2002.
In Minnesota, a man who attacked a woman in her home was linked to the crime from DNA found on the cap the intruder left at the scene. The victim had picked the man out of a photo line-up, but charges were not filed until the DNA match was made.
7. "DNA evidence leads to rape, murder conviction." St. Petersburg Times, February 5, 2002.
In Florida a man has been found guilty of killing an elderly man with a butcher knife and then raping his 72-year-old wife in their home 14 years ago. At the time, police matched shoe prints at the crime scene to the suspect's, but they could not build a case against him for the murder until new DNA testing linked him to the crime.
8. "Backlog at DNA lab causing delays in prosecution of sex assault cases." The Associated Press State & Local Wire, February 4, 2002.
In New Jersey, a growing backlog at the state DNA lab has caused extensive delays in the prosecution of sexual assault cases across the state. The lab currently has a backlog of 244 cases, and the number of cases submitted to the lab more than doubled last year (increasing from 221 in 2000 to 523 in 2001). Law enforcement agencies

typically wait 10 to 14 months to get DNA results. The State Police and the Attorney General's Office have lobbied the Legislature for \$1.3 million to hire five more scientists, but the looming budget shortfall has made the battle difficult.

9. "Increase demand creates investigations bottleneck." The Associated Press State & Local Wire, February 4, 2002.
The main facility for the Missouri Highway Patrol Crime Laboratory is overcrowded. The article reports, "Yet insufficient funding and understaffing combined with the increased demand for the crime lab's services have created a bottleneck in Jefferson City. Repercussions are being felt across the state." Suspect's who could be exonerated through forensic evidence could be lingering in jails for extended periods of time, and criminals are escaping detection. The lab would need about 15 more full-time employees to handle its caseload without significant backlogs.
10. "Sens. Harkin, Grassley announce money for crime lab." The Associated Press State & Local Wire, February 4, 2002.
Iowa's forensic crime lab will get \$947,910 this year from the National Institute of Justice to help improve the laboratory and reduce the backlog of cases. The money will be spent on training and education support, equipment and supplies and overtime for lab analysts at the Iowa Criminalistics Laboratory.
11. "Senate approves DNA tests for some prison inmates." The Associated Press State & Local Wire, February 4, 2002.
The South Dakota Senate approved a measure to help inmates serving sentences for murder, rape or other sex crimes to request that the state conduct DNA testing on evidence relevant to their cases. The bill requires law enforcement agencies to keep any evidence believed to include DNA until an inmate has died, completed the prison sentence or has been set free through a court appeal. The inmates or their families would have to pay for the DNA tests. Last year, the Governor vetoed a similar measure.
12. "Rape convicts hope DNA evidence will offer new trial." The Associated Press State & Local Wire, February 3, 2002.
In Georgia, two men convicted of raping a woman in 1986 are hoping a judge will grant them a new trial after DNA tests of evidence from the victim failed to match either man. Prosecutors have ordered additional testing. Partial results are back but prosecutors declined to discuss them.
13. "Georgia's DNA files extend long arm of the law." The Atlanta Journal and Constitution, February 3, 2002.
In the past year, Georgia's DNA database has linked 87 suspects to unsolved crimes, mostly violent sexual attacks. Georgia is a leader in the nation for DNA – it is one of only a handful of states that currently require DNA from all convicted felons for the state database. On average, six crimes a month are being matched to criminals in the database. The Georgia database has linked suspects to 77 rapes, seven burglaries, one bank robbery and two homicides since January 2001, when the expanded system became fully operational. DNA testing and management of the database costs about \$700,000 a year. The supplies for each test cost about \$30.
14. "County is fortunate it had money to deal with aftereffects." The Morning Call (Allentown), February 3, 2002.
A county in Pennsylvania has spent more than \$500,000 on DNA testing to identify the crash victims from the plane from the Sept. 11 attacks that crashed in Pennsylvania. The county expects to be reimbursed for the DNA testing by the FBI.
15. "There'll be terror talk in House this week." New Hampshire Sunday News, February 3, 2002.
In New Hampshire, the Finance committee was scheduled to hear a bill to require law enforcement to take DNA samples from all convicted violent criminals for the state offender DNA database.
16. "Crime laws flawed." Sunday Telegraph (Sydney), February 3, 2002.
In Australia, a parliamentary committee was recently told that the New South Wales DNA laws were "confusing, lengthy and inconsistent". The testimony suggested that the current laws were so bad that they should be thrown out and new laws be drawn from scratch. Additionally, senior police gave evidence to the committee that the Police Service was worried the legislation was so flawed that the DNA samples already

taken from 7000 inmates would be declared invalid by the courts.

17. "DNA Testing Leads To Arrests of 2 Men." *Newsday* (New York, NY), February 2, 2002.
In New York, DNA has been used to solve two unrelated property crimes. In one case, DNA from a ski mask left at the crime scene was matched to a suspect. That DNA was later matched to blood left behind on a broken window from an earlier robbery.
18. "DNA links ex-boyfriend to car bomb." *Chicago Tribune*, February 2, 2002.
In Chicago, a former law student has been arrested in connection with the bombing of his ex-girlfriend's car after a strand of brown hair found on duct tape used to construct the bomb matched his DNA.
19. "Law enforcers not all complying with law, crime agency says." *The Associated Press State & Local Wire*, February 1, 2002.
In Minnesota, state investigators say that some police agencies are not complying with a state law requiring them to provide DNA samples of people convicted of certain types of felonies for the state's database. Some sheriffs have complained to the agency that the cost of taking the samples is too expensive because they have to hire health care workers to draw the blood, and a few have said they will not comply with the law.
20. "House panel approves proposal to require DNA tests of all felons." *Chicago Daily Herald*, February 1, 2002.
In Illinois, a House Committee has approved legislation to require DNA from all convicted felons for inclusion in the state's DNA database.
21. "Rights-Africa: DNA Testing Often Determines Pace Of Justice." *Inter Press Service*, February 1, 2002.
A forensic DNA testing lab set up in Pretoria, South Africa, by the 14 member states of the Southern African Development Community (SADC) is coming under increasing strain from the sheer volume of samples, creating delays in some high-profile investigations. Countries of Africa's subcontinent have been turning to the advanced forensic facilities of South Africa as the basis of a shared DNA testing site for regional law enforcement agencies. The center reports that over 20,000 cases now await processing for police and prosecutors throughout SADC countries.
22. "DNA Database Bill Goes To Full House." *The Lexington Herald Leader*, February 1, 2002.
In Kentucky, a bill to expand the state's offender DNA database is moving forward. The bill would require the database to expand as funds become available. Felons would be phased-in to the database in the following order: unlawful transaction with a minor or use of a minor in a sexual performance; first- or second-degree burglary; capital punishment-eligible crimes, or Class A or Class B felonies that result in someone's death or serious injury.
23. "DNA used to charge man in '91 murder." *The Associated Press State & Local Wire*, January 31, 2002.
In Louisiana, deputies have used DNA evidence to make an arrest in a murder that went unsolved for more than 10 years. The DNA evidence was the only evidence used to charge the man with the crime.
24. "DNA Database Brings Relief To Rape Survivor." *The Columbus Dispatch*, January 30, 2002.
In Ohio, a rape victim says the identification of her attacker through the DNA database has helped to ease her pain. The attack occurred more than five years ago. Since its creation, the DNA Index System has grown to more than 30,000 samples and has matched 21 offenders from around Ohio to crimes.

Genetic Privacy / Research

25. "Govt Drafts Rules Banning Human Cloning." *The Times of India*, February 3, 2002.
In India, a committee constituted by the department of bio- technology has decided to prohibit human cloning. The committee has laid down ethical policies to be followed in genetic research as well as dealt with future issues of benefit-sharing on genetic material obtained from individuals or communities and intellectual property rights. The human genome, or any human material in its natural state, it says, cannot become the subject of a direct financial gain.

26. "Utah lawmakers approve law banning insurance companies from DNA discrimination." The Associated Press State & Local Wire, February 1, 2002.
The Utah Legislature has approved a law that bans insurance companies from denying coverage based on the result of a genetic test.
27. "Activists seek end to patents on genes." The Associated Press State & Local Wire, January 31, 2002.
Activists, whose protest was timed to coincide with the World Economic Forum in New York City, say patent lawyers now aggressively enforce patents on living things that should never have been issued.

Paternity

28. "Judge erases child support debt for man who isn't father of child." The Associated Press State & Local Wire, January 31, 2002.
In Maine, a District Court judge has ruled that a man no longer has to pay child support payments for a child that has been proven to not be his through DNA testing.