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The March 22, 2002 DNA legislative and media summary 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 bill to expand the offender DNA database has been introduced in Connecticut, and a similar bill is moving forward in the Kentucky Senate. A Hawaii resolution would require a study on DNA database expansion. North Dakota's newly expanded DNA database made the news. Editorials in Illinois cautioned against proposals to collect DNA from arrestees, and a Washington editorial supported funding of and attention to the national backlog of DNA cases.

“Cold hits” on the offender DNA database solved crimes in California, Pennsylvania, Washington and Illinois. Dog hair DNA was successfully used to convict a man of burglary and attempted rape in California. The US is testing DNA evidence from the church bombing in Pakistan and battlefields in Afghanistan – USA Today featured debates on collecting DNA from detainees.

A post conviction DNA testing bill is under consideration in Rhode Island, and the Innocence Project is encouraging Nevada to expand access to post conviction DNA testing.

DNA testing in France has linked a Greek man to 13 sex assault cases, and in Mexico DNA testing has confirmed the death of a notorious drug lord. A forensic DNA testing scandal in Indian Kashmir continues to make headlines, and a Taiwan cheating scandal involves DNA testing. In Australia, more states are considering a missing persons DNA database (based on mitochondrial testing), and prisoners in an Australian state are challenging the offender DNA database law. The DNA database law for suspects is being challenged in England. In Canada, an Ontario court is allowing a new trial based on post conviction DNA testing, and Alberta police are calling for cold case squads.

STATE LEGISLATION

Forensic DNA

1. Connecticut SB 608 – Expands offender DNA database to include murder, manslaughter and kidnapping and certain felonious assaults, burglaries and robberies.
2. Hawaii HCR 145 -- Requesting a feasibility study on DNA testing of Class A and B felons to assist in solving crimes and deterring criminal recidivism.
3. Vermont SB 298 -- Expands offender DNA database to include persons who commit terrorist acts.

NEWS ARTICLES

Forensic DNA

1. “Kashmir government suspends officials over alleged DNA fudging.” Agence France Presse, March 20, 2002. Indian Kashmir's government has suspended six officers over the alleged fudging of DNA samples in the case of five accused militants who went missing following the massacre of 37 Sikhs two years ago. Relatives say the five were arrested in different parts of southern Kashmir and later shot dead, but police say the five were foreign

separatist militants. An Indian newspaper has recently reported that the DNA samples collected from the relatives had "serious discrepancies".

2. "Teachers In Exam Scandal Take Polygraphs, Give DNA." China Post, March 20, 2002.
In Taiwan, two university teachers involved in allegedly tampering with examination scores and accepting bribes yesterday both underwent polygraph tests and one of them received a DNA blood test. The teacher who received a DNA blood test is also accused of sleeping with prostitute without making payment.
3. "Inmates can fight DNA forced tests." Courier Mail, March 20, 2002.
In Queensland, Australia, prisoners have won the right to appeal against DNA database laws. The High Court was asked to grant a full appeal for the hearing of an argument as to whether an interpretation of the law could conflict with a fundamental presumption against interference with personal liberty.
4. "DNA links dead inmate to six unsolved killings." San Jose Mercury News, March 20, 2002.
In California, a prosecutor has finally linked six unsolved murders to a suspect. Unfortunately the suspect died in prison before the prosecutor could bring charges against him. The prosecutor reports that he faced problems getting political and financial support for DNA testing, while he also waited for technology to catch up with his hunches. And despite this recent success in linking these six cases, he said it's still an uphill battle to convince cities to spend the money on cracking unsolved homicides. "This is a great story," he said. "But when people read these heartwarming stories, they assume all the unsolved cases will be treated like this. But the sad reality is, there's not a lot of interest from law enforcement."
5. "Pakistan to send DNA samples of suspected church attacker to the United States." The Associated Press, March 19, 2002.
Pakistan will send the United States DNA samples from the body of a man believed to have carried out a deadly grenade attack on a Protestant church. Police also want to use DNA tests to see if the fifth man was linked to a coat and tie found in one of the church's bathrooms. That link would be important because it would suggest how a grenade-laden attacker might have slipped past the heavy security at the compound.
6. "Mother: Authorities say imprisoned son's DNA linked to murder." The Associated Press State & Local Wire, March 19, 2002.
In Pennsylvania, a man imprisoned for attempted kidnapping in 1995 has been linked through his DNA to a Girl Scout who was abducted and killed in 1992.
7. "Agencies row over wrongful rape case." AAP Newsfeed, March 18, 2002.
In Queensland, Australia, a wrongful rape conviction has led to a public argument between government agencies, forensic scientists and the Director of Public Prosecutions. At trial, a DNA expert from the state government testified that no conclusive results could be found from vaginal swab DNA testing. But later the man's legal team found that sheets from the bedding where the rape occurred had never been tested. The DNA testing from the sheets matched a man already serving time in prison for another rape, and was similar to the swab collected from the victim.
8. "Innocence Project urges DNA test changes in Nevada crime cases." The Associated Press State & Local Wire, March 18, 2002.
The Innocence Project, which works nationally to win post-conviction exonerations using DNA evidence, has called for changes in Nevada law to ensure convicts have access to DNA testing. Barry Scheck told an interim study panel reviewing the death penalty that DNA testing should be mandatory in major cases if there's a "reasonable probability" that an inmate was wrongfully convicted and sentenced. If an inmate can't afford the costs of DNA testing, the state should pay for it. And trial judges should have the power to order testing beyond what a state laboratory provides. The Assistant Federal Public Defender suggested that the model law suggested by Scheck was too narrow -- he suggested a broader standard to ensure full access to testing.
9. "Cold-case squad' needed, homicide police say." Edmonton Journal, March 18, 2002.
Homicide investigators across Alberta (Canada) say the province needs a cold-case squad, a unit of police and RCMP officers who would devote all their time to solving unsolved homicides. Police hope that new DNA testing may play a significant role in cracking old cases. Some of the victims are in favor of creating the cold

case squads and hope it will bring closure to their case, but other victims are not interested in revisiting their painful experiences.

10. "Crime Lab's Space Needs Lie At Heart Of Campus Plan." The Buffalo News, March 17, 2002.
County officials in Erie, New York say that the Erie County Central Police Services Forensics Laboratory continues to provide quality work for 40 area police agencies but has outgrown its space and needs an updated facility. A new lab is a component of a proposed public safety campus that the County Executive would like to see in downtown Buffalo, tied in to Erie Community College City Campus.
11. "Push for DNA on missing persons." Sunday Herald Sun, March 17, 2002.
Police in Victoria, Australia will look at establishing a database to compare DNA profiles from family members of missing persons to DNA of unidentified bodies. The Chief Commissioner has recently expressed an interest in the New South Wales mitochondrial DNA database, which has solved nine missing person cases so far, one dating back to 1993.
12. "State's DNA database for law enforcement sees rapid growth." The Bismark Tribune, March 16, 2002.
In North Dakota, the state DNA database has doubled in size since a state law was changed to require more offenders to give the samples. About 300 samples have been collected since the law changed in August, and the crime lab expects the state to collect about 500 samples each year. Before the change, the state had between 120 and 150 samples. The state is not yet collecting from all convicted felons, and so far has not had a "cold hit" on its DNA database (but the crime lab is expecting successes as the database population grows).
13. "State Police crime lab wants expanded quarters." The Charleston Gazette, March 16, 2002.
In West Virginia, the State Police wants to expand its South Charleston crime lab, and department leaders are looking for possible sites and money for the expansion. Department heads want 50,000 square feet and 10 additional employees, but don't currently have the money to expand.
14. "Canine DNA Helps Land a Conviction." Los Angeles Times, March 16, 2002.
In Ventura County, a man has been found guilty of burglary and attempted rape based largely on DNA from a dog hair. Dog hair found on the suspect's pants was submitted for DNA testing and was found to match the victim's dog. Although attorneys could find no existing California case law on the subject, the judge ruled that the procedures for testing canine DNA are not new and are generally the same as those used for testing human DNA. Prosecutors expect the case will be challenged before a state appellate court and anticipate that pet DNA will become a widely used forensic tool.
15. "DNA evidence led judges to order new murder trial." The Record (Kitchener-Waterloo), March 16, 2002.
In Canada, three Ontario Court of Appeal judges have ruled that an inmate may have been acquitted of beating a woman to death if new DNA evidence was available at his 1997 murder trial. The court is ordering a new trial for the man who has been granted bail and was released from custody. During the police investigation, forensic officers found three blood stains on the victim's clothing and body, but technology available at the time was unable to extract DNA from the samples. However, new testing has shown that the DNA does not match the suspect.
16. "Rape DNA reaches into prison for suspect." The Seattle Times, March 16, 2002.
In Washington State, DNA testing has tied an imprisoned rapist to a 1996 rape and robbery. The break in the case came from a "cold hit" on the state's DNA database.
17. "State, defense will examine evidence together." The Associated Press State & Local Wire, March 15, 2002.
In Washington State, expert witnesses for the defense and prosecution in a first-degree murder trial will examine DNA evidence together because the blood samples are insufficient to conduct two tests. The forensic investigator hired by the defense team, and the state crime lab will meet in Spokane to compare the DNA results from the blood with samples from the victim and two suspects.
18. "Allies test DNA in hunt for leaders." Calgary Herald, March 15, 2002.
As the battle against al-Qaeda fighters in the Sha-e-Kot area tapered off, U.S. and Canadian troops were conducting mop-up operations, and forensics experts were doing DNA tests to determine if any of the terrorist

organization's senior leaders was among the dead.

19. "Bill would allow DNA tests to challenge convictions." The Providence Journal-Bulletin (Providence, RI), March 15, 2002.
A Rhode Island Senate committee is considering proposed legislation that would require the state to conduct post conviction DNA tests in certain cases. A judge would have to find there was a "reasonable probability" the person would not have been convicted if the test indicated they did not commit the crime. The evidence also could not have been tested before, or at least never examined for that purpose. The fiscal note for the bill could kill its chances of enactment -- a state estimate that it could cost \$410,000 in the first year after it is enacted, based on the cost of a DNA test on every convicted felon.
20. "Pine Mountain Trail Park Bill Advances." The Lexington Herald-Leader, March 14, 2002.
In Kentucky, the Senate Judiciary Committee yesterday approved House Bill 4, which would expand the pool of criminals who must give DNA samples for the state database. The House has already passed the bill.
21. "DNA Tests Identify Slain Man As Drug Lord." Los Angeles Times, March 14, 2002.
DNA tests confirm that a man killed last month during a shootout with police in Mexico was one of the FBI's 10 most-wanted fugitives and a suspected leader of Mexico's most brutal drug gang. Mexican authorities compared blood from the man's jailed brother with DNA evidence taken from bloodstains on the shirt and shorts of a man who died in a fire with police in Mazatlan. The dead man had been carrying documents that identified him as someone else.
22. "Human Rights Challenge Over DNA Samples." Press Association, March 14, 2002.
In England, a human rights challenge has been launched over the retention by police of DNA samples and fingerprints taken from people who have faced court proceedings but never been convicted. The police said a change in the law allowed them to retain them "to aid crime investigation" and that the law is retrospective. But the defense has accused the Chief Constable of South Yorkshire of operating an unlawful blanket policy of retaining all DNA samples and fingerprints. He argued it was not the intention of Parliament that innocent people "should have aspects of their identity retained and used by police for ever and a day."
23. "Inmate pleads guilty to 2 East S.J. rapes." San Jose Mercury News, March 14, 2002.
In California, a man who is serving 12 years in state prison for violently attacking a woman in 1998 has pleaded guilty to two rapes in East San Jose. The two rapes were linked to the man through the state's offender DNA database.
24. "Collect detainees' DNA." USA Today, March 14, 2002.
USA Today debate on collecting and holding the DNA of suspected terrorist detainees. Editorial argues that the samples should be collected because they could be used to track suspects, thwart future terror attacks. "When Americans are sent to prison for a crime, DNA samples are taken routinely. They can tie prisoners to other crimes, past or future. Public safety is protected. Intrusion on prisoners is minimal. So why is anyone grumbling about a proposal to collect DNA samples from the roughly 8,000 terrorist-linked prisoners at Guantanamo Bay, Cuba, and in Afghanistan? The risk they pose is far greater."
25. "No. What would be gained?" USA Today, March 14, 2002.
Opposing view on USA Today debate (see above). Argues against detainee collection on the basis that "This major breach of privacy could be expanded to U.S. citizens...once the Department of Justice establishes that it is acceptable to take DNA evidence from prisoners who have been convicted of no crime, how long before it tries to apply that standard to Americans accused of garden-variety crimes in the U.S.?"
26. "DNA Testing Might Also Reduce Crime." The Seattle Post-Intelligencer, March 13, 2002.
Editorial supporting the use of forensic DNA evidence to both convict and exonerate. Supports the US Attorney General's recent public announcement of more funding for DNA backlogs.
27. "Suspect under investigation in series of Paris rapes of minors." AP Worldstream, March 13, 2002.
In France, an unemployed Greek man was jailed in connection with more than a dozen sexual aggressions and rapes of young Parisian girls, often carried out at schools by a man posing as a policeman. DNA tests confirmed

the man's role in at least one of 13 cases, and further tests were in progress.

28. "DNA testing erodes privacy." Chicago Sun-Times, March 13, 2002.
Editorial criticizing the Chicago Police Superintendent's proposal to require DNA samples from arrestees. Arguments against arrestee testing are based on personal liberty and privacy, potential for broader genetic testing, it's expensive, and technology must be better monitored.
29. "Police solve 1999 murder of pregnant mother." Copley News Service, March 13, 2002.
Police in Illinois have solved a 1999 murder through DNA testing. Investigators matched DNA found at the crime scene to a sample the suspect had given as a result of a conviction for sexual battery in Tennessee. When police questioned him about the matched DNA, he confessed to the shooting and gave a videotaped statement.
30. "North Hills Cog To Get Mobile Crime Lab." Pittsburgh Post-Gazette, March 14, 2002.
In Pennsylvania, the North Hills Council of Governments is getting a mobile **crime lab**, one of four being bought with state money obtained by the Allegheny County district attorney's office. The crime labs are being funded through \$50,000 grants from the state Department of Community and Economic Development, with the Council of Government paying for maintenance and insurance. Half of the grant will go to buy a van, the rest to fit it with such items as a freezer, microscope, computer with modem and fingerprinting equipment.
31. "DNA database frightening, yet comforting." University Wire, March 13, 2002.
Article argues that expanding the Illinois state DNA database is a good idea, as long as the database population is kept to convicted criminals. Expanding to arrestees would be a mistake.
32. "DNA used to find rape suspect." Lancaster New Era (Lancaster, PA), March 7, 2002.
In Pennsylvania, state police have charged a man with raping a 17-year-old girl after the suspect was identified through a "cold hit" on the state offender DNA database.
33. "DNA lab: 'If we can see it, we can analyze it'." Lancaster New Era (Lancaster, PA), March 5, 2002.
Reports on forensic DNA testing at the Pennsylvania state crime lab. In Pennsylvania, only people convicted of homicide and sexual assault are required to have their DNA samples submitted to the data bank. Since the state began collecting samples five years ago, the database has accumulated 18,000 samples.

Genetic Privacy / Research

34. "Hopkins to create center for ethics in genetic science." The Baltimore Sun, March 16, 2002.
The Phoebe R. Berman Bioethics Institute at Johns Hopkins University has received a \$9.9 million grant to establish a center for education and research on the field of genetic science. The three-year grant from the Pew Charitable Trusts will "dramatically" increase the size and scope of the institute, which was established to examine ethical questions in medical research and patient care.
35. "U.S. funeral homes offer to store DNA of deceased." The Record (Kitchener-Waterloo), March 16, 2002.
Funeral homes across the US have begun to offer clients a chance to store the DNA of deceased loved ones; a service providers say could help prevent disease in their descendants. Collecting **DNA** samples from the deceased is free, but a family must pay \$100 to have the genetic samples stored for up to 25 years. For \$350, a lab can produce a genetic profile from a sample, making it possible to run diagnostic tests.
36. "Cloning Ban Bill Prompts Alarm." The Lexington Herald-Leader, March 15, 2002.
In Kentucky, scientists are opposing a bill prohibiting human cloning because the bill's ban on asexual cell reproduction would apply not only to clones, but also to embryonic stem cells used in medical research. The bill passed through the House quickly, but may get stalled in the Senate under stronger scrutiny.
37. "Workers worried about genetic testing for jobs." AAP Newsfeed, March 13, 2002.
Australians are worried employers will one day use genetic testing to help them select workers. The concern surfaced at public hearings for the inquiry which is considering what regulations may be needed to balance access to genetic information with worries about ethical uses, privacy and discrimination. The inquiry was

ordered by the federal government last year and is being jointly conducted by the Australian Law Reform Commission (ALRC) and the Australian Health Ethics Committee.

Paternity

38. "Uruguay-Disappeared DNA Test Helps Ex-Uruguayan Political Detainee Find Long-Lost Son." EFE News Service, March 19, 2002.
DNA tests have reunited a former Uruguayan political detainee with her son, 26 years after he was snatched from her in Buenos Aires. A lengthy investigation traced the son to Argentina, where the young man in question agreed to submit blood samples for DNA testing. According to an initial legislative investigation, 164 Uruguayans - including eight children - disappeared during the military regime, but the number has since grown as more relatives stepped forward to file complaints about their missing loved ones.
39. "Paternity Fraud Victims Need Justice." The Daily News of Los Angeles, March 15, 2002.
"When Larry Nicholson went to court after receiving a child support order, he knew something wasn't right. 'I looked at the child,' he says. 'The child is white. I'm black. Now I'm not an expert in genetics, but I knew something had to be wrong.' The judge refused to hear DNA evidence showing that the man was not the father. Article argues that men should be able to contest child support orders on the basis of DNA evidence.