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The March 29, 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 Hawaii bill would request a study for expanding the offender DNA database, and a Minnesota anti-terrorism bill containing some DNA database expansion is moving forward. A bill creating an oversight board for Alabama's Forensic Sciences Department is advancing.

"Cold hits" made the news in Illinois and California. Articles reported on backlogs at crime labs in Colorado, Maryland, and Texas, and an Indiana anti-terrorism bill includes new funding for crime lab backlog reduction.

A Nebraska inmate is requesting post conviction DNA testing, and a Texas county has almost completed a review of potential post-conviction testing cases. A post conviction testing case in Massachusetts has further indicated the inmate's guilt, and prosecutors in Virginia are supporting a man's application for a pardon after post conviction testing exonerated him. A suspect was exonerated in Florida after DNA testing proved he was not a child molester.

A national DNA database will soon be established in Scotland, and a high court has upheld a law allowing English police to maintain DNA samples on former suspects. An Australian state will consider expanding DNA testing to include all incarcerated criminals, and a law enforcement scandal in India involving DNA testing continues to make the news.

STATE LEGISLATION

Forensic DNA

1. Hawaii HR 103 -- Requesting a feasibility study on DNA testing of class a and b felons to assist in solving crimes and deterring criminal recidivism.
2. Tennessee SJR 596 -- A resolution to honor and commend Mr. William J. Darby III upon the occasion of his retirement from the Tennessee Bureau of Investigation.

Genetic Privacy / Research

3. California SJR 36 -- Requests the President and Congress to reject legislation impeding stem cell and therapeutic cloning research, and to enact legislation that would impose a temporary ban on reproductive cloning, permit research involving therapeutic cloning.

NEWS ARTICLES

Forensic DNA

1. "Death-row inmate claims DNA would prove innocence." The Associated Press State & Local Wire, March 26, 2002.
In Nebraska, a death-row inmate claims DNA tests would prove he did not kill a cross-dressing woman, whose murder inspired the movie "Boys Don't Cry." The man's lawyer has made a request for testing under the

Nebraska DNA Testing Act, which was passed last year and provides state funding for such tests for indigent inmates.

2. "Denver school teacher mistakenly arrested in Florida crime." The Associated Press State & Local Wire, March 26, 2002.
A man who was arrested on Florida kidnapping and child molestation charges was able to clear himself through DNA tests. The man had been skiing on the day of the attack and proved it with a lift ticket stub. He gave police permission to search his house and car, and even gave a detective the passwords to his e-mail accounts so he could search his correspondence. He also provided a DNA sample. "I knew I could show them credit-card receipts until I'm blue in the face, but DNA is irrefutable," he said.
3. "State Patrol, EWU to team for new crime lab." The Associated Press State & Local Wire, March 26, 2002.
The Washington State Patrol will get a new and larger crime laboratory under an agreement with Eastern Washington University. The agreement calls for university to give the Patrol a long-term lease for space on its campus for \$1 a year. The WSP would build and own a 32,000-square-foot building, estimated at \$9 million, that would relieve cramped conditions at the present crime lab. In turn, the lab would be available for use by the university's criminal justice programs, particularly a new forensic sciences degree the university hopes to launch.
4. "Cops Set Up Scots DNA Bank." Daily Record, March 26, 2002.
Police in Scotland are establishing a national offender DNA database. The Tayside and Strathclyde forces will merge their existing files and create the nation's first genetic database to help clear up unsolved crime.
5. "Property Offenses Lead Statewide Crime Increase." The Daily News of Los Angeles, March 26, 2002.
Crime in California's most populous cities and counties rose 5.8 percent in 2001 -- property crimes rose 8.2 percent (motor vehicle thefts were up 11.9 percent and burglaries rose 4.9 percent). State Attorney General Lockyer said, "we need to implement crime prevention programs that work, including expanded after-school programs, getting guns out the hands of criminals, and using DNA science to find and convict criminals."
6. "Jury convicts man in 1981 murder case solved through prison DNA match." Monterey County Herald, March 26, 2002.
In Monterey County, California, a jury has convicted a man of murder for a 1981 case. The man becomes the first to be convicted in Monterey County - and perhaps in the state - as the result of a "cold hit" on the state DNA database. After a 14-day trial, jurors spent 4 hours deciding their verdict, ending a case that had puzzled investigators for years.
7. "Pieces Of Bone Hold Families' Hopes." Daily News (New York), March 25, 2002.
In the ongoing effort to identify the victims from the World Trade Center attacks, more than 17,000 body parts and thousands of DNA samples taken from personal items of the deceased and their relatives have been sent to labs for analysis. So far, investigators have compiled sufficient DNA for 1,615 Trade Center victims. There have been 160 identifications made solely by DNA, and DNA also is used to reconfirm identifications that were made by more common means, such as dental records and fingerprints.
8. "New Jersey Supreme Court Committee on Minority Concerns 2000 - 2002 Report." New Jersey Law Journal, March 25, 2002.
One of the recommendations from the New Jersey Supreme Court Committee on Minority Concerns is for "Training on cross-racial and eyewitness identification and the use of DNA evidence and expert witness should be included in the mandated training curriculum for criminal division judges and orientation information on these issues should be offered to appropriate criminal division staff and supervisors of probationers."
9. "Colorado agencies looking elsewhere because of CBI backlog." The Associated Press State & Local Wire, March 24, 2002.
The Colorado Bureau of Investigation has such a severe backlog in evidence testing that some state agencies are turning to private firms for help. Delays have gotten so bad that judges are setting deadlines for evidence testing. If it is not done by the mandated date, the evidence can't be used in court. A recent request for

additional funding was turned down by the state legislature. The state labs are also in the middle of an accreditation process which is draining resources.

10. "Elusive justice." Austin American Statesman, March 24, 2002.
In 2000, the Austin (Texas) Police Department received 841 reports of sexual assault against children 17 and younger – which accounts for 71 percent of assault cases. State law now allows for the filing of "John Doe" warrants based on DNA profiles. Austin Police note that the state lab is "easily inundated" with requests for DNA testing.
11. "Evidence rising of space crunch for crime items." The Baltimore Sun, March 24, 2002.
Article discusses the backlogs and storage issues at crime labs in Maryland (particularly Baltimore). "At a time when police departments - and defense attorneys - rely more and more heavily on crime scene DNA, law enforcement officials face a practical problem: what to do with the mounds of material piling up in police evidence rooms, from eating utensils and blood-stained carpets to tell-tale weapons with fingerprints."
12. "DNA Testing Backfires For Convicted Rapist." The Boston Globe, March 24, 2002.
In Massachusetts, an inmate's attempt to be freed from his life sentence through new DNA has backfired – the evidence recovered from the victim has been identified as his. In a recent interview, the private lab that performed the tests said that the laboratory handles 15 to 20 post-conviction DNA cases a year. Of those, about 60 percent of the convicts are further implicated.
13. "Travis completing DNA review." The Dallas Morning News, March 24, 2002.
In Travis County (Texas), the District Attorney's initiative to review old cases for post-conviction DNA testing is almost at an end. A panel staffed by members DA's office and the Austin Police Department focused their attention on 450 convictions before the mid-1990s. So far, the panel has identified three cases that merited DNA testing of the 388 cases reviewed so far. In two instances, DNA evidence was unavailable. DNA testing will be conducted on evidence in the third case.
14. "DNA success leads Boulder to plan own lab." The Denver Post, March 24, 2002.
The Boulder (Colorado) Police Department is considering a plan to build its own crime lab after a series of residential burglaries that might have gone unsolved if the department had not sent DNA evidence to a private lab for analysis. The testing cost \$ 2,000, but within two weeks the burglar was identified. DNA testing is not often used in nonviolent crimes like burglaries because the state lab is extremely backlogged with violent cases that need DNA testing. Often, departments don't even bother submitting DNA for testing in nonviolent cases
15. "Police allowed to retain DNA of ex-suspects." The Guardian (London), March 23, 2002.
In England, the high court has upheld new rights allowing the police to retain DNA samples and fingerprints taken from suspects who are found to be innocent. The justices accepted that the practice "might arouse strong feelings" but ruled that it complied with human rights legislation. The samples which have been given would "remain untouched" unless they were found to match fresh samples from a crime scene.
16. "Convicted by science." The Press (Christchurch), March 23, 2002.
Editorial from a New Zealand newspaper argues in favor of keeping large criminal DNA databases. "Luckily, a political consensus exists sufficient to ensure that the needed reference material is collected and stored. Some civil libertarians are opposed, saying that a database of DNA would allow a malevolent government to circumscribe the activities of citizens it did not like. It would, but the slight chance of a dictatorship has to be weighed against the present threat of crime."
17. "Sex Beast Finally Trapped By His DNA." Daily Record, March 23, 2002.
A man arrested in Scotland for shoplifting was charged with attempted rape and two assaults after a routine collection of his DNA proved a match to two crime scenes. The man pled guilty to all charges.
18. "DNA leads to charge in 1995 slaying." Chicago Tribune, March 22, 2002.
An Illinois inmate has been linked through the state's DNA database to an unsolved murder in 1995. The man is currently incarcerated for another murder conviction.

19. "DNA testing planned for all prisoners." The Advertiser, March 21, 2002.
All South Australian prisoners - from traffic offenders to murderers - will undergo DNA testing in a State Government move to increase criminal conviction rates. The Attorney General is expected to fast-track legislation giving police power to take DNA samples from incarcerated criminals when Parliament resumes next month. Existing law only allows police to obtain DNA samples from people convicted of an offence carrying a jail term of five years or more, and after a court order from the Director of Public Prosecutions.
20. "DNA Expert Criticizes State Police." The Times of India, March 21, 2002.
In India, the Director for the Centre for DNA Fingerprinting and Diagnostic (CDFD), is highly annoyed with local police. Contrary to the media reports, the samples for a high profile DNA testing never reached the lab. Additionally, the stories of the institute scientist developing cold feet and developing a mystery disease to avoid the test made us all furious, he said. "My colleagues have handled enumerable high profile cases and are pretty used to withstand all sorts of pressure from the criminals, politicians or officers and moneybags," he said.
21. "Inmate charged after DNA test clears man previously convicted." The Associated Press State & Local Wire, March 20, 2002.
In Virginia, a Hanover County grand jury charged that a Virginia inmate committed a 1982 rape and robbery for which an innocent man spent 15 years in prison before being cleared by a DNA test. The inmate had testified in 1988 that he committed the crime but a judge rejected the testimony. The wrongly convicted man was paroled in 1997 and last year obtained court-ordered DNA testing of the evidence in the case. Hanover County prosecutors are supporting his bid for a pardon from the governor.
22. "Anti-terrorism bill broadened to include help for crime labs." The Associated Press State & Local Wire, March 20, 2002.
In Indiana, a bill designed to fortify the state's defenses against terrorism stands ready to become law after elected officials broadened it to help reduce a backlog of evidence awaiting testing at police crime labs. A recently added measure of the bill would a measure that would allow the lab to hire more scientists to analyze evidence such as DNA samples and fingerprints. The extra help should help reduce a backlog of nearly 5,300 cases at state police labs.
23. "Panel OKs bill creating forensics oversight board." The Associated Press State & Local Wire, March 20, 2002.
In Alabama, House Judiciary Committee has approved a bill that creates an oversight board for the Department of Forensic Sciences. The bill establishes a 13-member committee to oversee the operations of the department, and limits the department director to a six-year term (the director currently has a lifetime appointment). This bill has already passed the Senate.
24. "House approves anti-terrorism bill." The Associated Press State & Local Wire, March 20, 2002.
In Minnesota, a broad anti-terrorism bill expands the collection of DNA from felons for a criminal database and creates at least 10 new state crimes of terrorism, such as introducing diseases to animals. The House has passed this bill.
25. "Government Actions: San Bernardino County Board of Supervisors." The Press-Enterprise (Riverside, CA), March 20, 2002.
The San Bernardino Board of Supervisors has voted to accept a state grant of \$ 573,764 that will enable the Sheriff's Department to buy sophisticated equipment, including a sonar system to locate bodies in deep water, a genetic analyzer for DNA evidence, upgraded security for the sheriff's headquarters building and better monitoring equipment for the Narcotics Bureau.

Genetic Privacy / Research

26. "Race controversy in the world of genome research." Scripps Howard News Service, March 26, 2002.
Some parties are warning that genetic research could open the door to further racial discrimination.
27. "Mayo, IBM will create DNA database for research." Star Tribune (Minneapolis, MN), March 26, 2002.

More than 6 million patients have passed through the Mayo Clinic's doors in recent years, leaving extensive records and their DNA in the form of tissue from tumors, blood and other bodily bits. Now, Mayo intends to use that collection to leap into the burgeoning field of large-scale genomic medicine. Mayo announced an agreement Monday with IBM Corp. to create systems for incorporating patients' DNA into research and health care. The goal of the venture is to create a database that will correlate diagnoses, treatments and responses with DNA profiles and other information to help Mayo doctors and scientists make choices about preventing and diagnosing disease, research priorities and day-to-day care.

28. "Genetic screening is beneficial to parents." University Wire, March 25, 2002.
"Perhaps "designer babies" are the future. If the technology exists, it must be made available. Individuals have the right to provide the best future for their offspring, and if that means manipulating organic property, they cannot be denied. In a world where mankind has subdued nature, created weapons of mass destruction and strived to maximize his convenience, it is a little late to be challenging man's right to play God."
29. "DNA Codes May Be Protected As 'Music'." The Independent (London), March 22, 2002.
A biotechnology company is attempting to convert a DNA sequence into a piece of digitally encoded music that can then be copyrighted like any other tune. If the proposal works it would mean that companies could in effect protect a particular DNA sequence against exploitation by competitors without the need for DNA patenting.
30. "Proposed state ban on human cloning not likely to pass." The Associated Press State & Local Wire, March 22, 2002.
A proposed ban on human cloning in Florida appeared dead Friday and scientists opposed to the idea vowed to try to prevent the legislation from resurfacing again next year. Opponents say a complete ban could halt research that may eventually cure life-threatening diseases and also would make it difficult for Florida's fledgling biotechnology industry to develop, costing Floridians jobs.

Paternity

31. "DNA results wrong mum." Sunday Herald Sun, March 24, 2002.
A mother in Victoria, Australia has called for a national DNA inquiry, claiming paternity procedures are inadequate. The woman says DNA tests, which show a former lover is not the father of her daughter, are wrong. Four DNA tests have produced conflicting results, with one showing the man is the father. The National Association of Testing Authorities, which oversees laboratory procedures, has admitted interference with tests is possible. The woman believes if she were able to prove her case, it would cast doubt on the reliability of all DNA testing in Australia.