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The April 19, 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

Bills to expand state DNA databases to include all convicted felons are progressing in Arizona and Illinois, and an Illinois death penalty committee has recommended a "comprehensive" DNA database. The Attorney General has recognized a victim's family that has been central in advocating expansion of state DNA databases. Inmate refusal to submit to DNA testing and lack of "reasonable force" laws may grow in national significance if the California situation is not resolved.

Some members of Congress are urging additional federal funding this year for state DNA backlogs. Backlogs at crime labs made the news in Massachusetts, Indiana and Washington, and a new crime lab is opening in Albuquerque, New Mexico.

"Cold hits" on the offender DNA database solved crimes in Alaska, New York, and Minnesota (Illinois criminal). A bill to extend the statute of limitations when DNA evidence is available has been enacted in Georgia and introduced in Ohio. DNA from dog hairs

Post conviction cases made the news in Virginia and Missouri. An Oklahoma County program will review old cases for new DNA testing, and a Texas court ruling limits DNA testing to cases where actual innocence can be proven.

In International news, Norfolk Island is considering legislation to expand forensic DNA collection, and in neighboring Australia DNA backlogs are causing delays in justice. An English community plans to review 300 old rapes for new DNA testing. A DNA "fudging" scandal is still in the news in India, and DNA is playing a central role in a Malaysian murder investigation. Forensic DNA will be used to identify victims from the South Korean plane crash and to confirm (or refute) the remains of a Spanish tomb believed to hold Christopher Columbus.

STATE LEGISLATION

Forensic DNA

1. Ohio HB 557 -- To require the statute of limitations for a civil cause of action for assault and battery that is based upon rape to accrue from the date of the offense or the date when DNA evidence links the offender to the offense.

NEWS ARTICLES

Forensic DNA

1. "U.S. officials assist in probe of crash of Chinese airliner in South Korea." AP Worldstream, April 17, 2002. Officials investigating the crash of a Chinese airliner in South Korea are preparing DNA tests to try to identify most of the bodies, which were severely burned or damaged beyond recognition. Only four have been positively identified so far.
2. "Inquiry Into DNA Fudging Yet To Begin." The Economic Times, April 17, 2002.

In India, the official inquiry into the DNA fudging case is yet to begin its proceedings. The commission will inquire into whether the samples of the relatives and the persons killed in Pathribal village in March 2000 were fudged during the course of transit to Hyderabad and Kolkata laboratories for tests. The commission, headed by a retired high court judge, is required to submit its report within two months.

3. "Prosecutors to try freed inmate for 1981 murder." The Associated Press State & Local Wire, April 17, 2002. Prosecutors in Wagoner County, Oklahoma will try an inmate in a 1981 murder case even though DNA testing undermined evidence that was used in his original conviction. DNA tests showed that hairs found in the gag around the victim's mouth did not match the suspect's hair.
4. "Attorney General Ashcroft Honors Americans Who Assist Crime Victims." U.S. Newswire, April 16, 2002. The US Attorney General recently awarded a Crime Victim Service award to three parents who, after their daughters were murdered, dedicated themselves to supporting other crime victims. David and Ann Scoville of New York are longtime advocates for state and national DNA databases. Their efforts are credited with the establishment of statewide DNA databases in Vermont and Rhode Island, and to passage of the Federal DNA Identification Act.
5. "Duke City Crime Lab Bigger, Better." Albuquerque Journal, April 16, 2002. New Mexico's largest and most high-tech crime lab is open for business, and a US Senator hopes to help the new Metropolitan Forensic Science Center in northwest Albuquerque grow even bigger. The new lab will serve both the Albuquerque Police Department and the Bernalillo County Sheriff's Department. The project broke ground in April 2000, using money from bond issues passed in 1993 and 1997, paid \$9.4 million toward the project, while the county kicked in \$3 million. The lab is larger than the state Department of Public Safety's crime labs in Santa Fe and Las Cruces, Talbot said.
6. "Police capture serial rape suspect." Anchorage Daily News, April 16, 2002. "Cold hits" on the Alaska DNA database identified a rapist who had moved to Texas. The man who had been a prime suspect in one rape was linked to two additional unsolved rapes after the rapes were all linked together through the state's DNA database. The man had previous felony convictions for a 1981 armed robbery in California and a 1983 rape in Indiana
7. "Outlook is uncertain for changes to death penalty recommended by Illinois panel." The Associated Press, April 16, 2002. In Illinois, the Governor's death penalty commission has concluded that capital punishment in Illinois is deeply flawed and in need of serious reform before the state can again put a defendant to death. Among the recommended reforms is "creating an independent forensics laboratory and a comprehensive DNA database."
8. "Prosecutors say crime labs handcuffed by tight budget." The Boston Herald, April 16, 2002. In Massachusetts, a recent report from the National Forensic Science Technology Center concludes that "a lack of communication, space, funding and staffing exists throughout the state's network of crime labs responsible for everything from ballistics to DNA testing" and, "a "draconian" policy limits district attorneys to submitting just one or two cases a month for DNA profiling because of budget and staff constraints." The report calls for Massachusetts to pump \$1 million to \$1.5 million into the medical examiner's office immediately to begin repairing the forensic system. The report contends the \$ 3.64 million budget for the ME's office falls far below the \$ 13 million recommended for a state this size.
9. "DNA links city teenager to sexual assaults on girls." Calgary Herald, April 16, 2002. In Canada, DNA taken from a 19-year-old man accused of assaulting a babysitter and two young girls in her care matched sweat taken from a baseball cap found in the bedroom of one of the girls.
10. "At Last, DNA May Reveal The Truth Of Columbus Tomb." The Independent (London), April 16, 2002. Scientists plan to exhume the remains of Christopher Columbus to make sure they are really his. There has been some speculation that the entombed body might actually be his son Diego, removed from the Dominican Republic centuries ago by mistake. A team led by a forensic scientist at the University of Granada proposes to compare the DNA with the remains of another son. A positive result would end 125 years of dispute

11. "DNA Match Nails Con In '97 Rape." The New York Post, April 16, 2002.
A "cold hit" on the New York DNA database has led to the arrest of an imprisoned career criminal on charges he raped an NYU grad student in 1997. The suspect has a record of 36 arrests - 25 of them leading to convictions - since October 1973. He's spent 19 of the past 24 years behind bars. Two of the convictions were for "violent felonies."
12. "Prosecutors say dog DNA, cinders link suspects to murder." The Associated Press State & Local Wire, April 15, 2002.
In the case of an Illinois woman who was murdered and dismembered, dog hairs have been discovered stuck to a piece of duct tape that was used to seal a trash bag used to dispose the woman's body. Prosecutors say DNA evidence from one of the woman's dogs matches the dog hair on the trash bag, which was found on the property of the prime suspects.
13. "DNA bid in island kill case." Courier Mail, April 15, 2002.
The Island of Norfolk (near Australia) is authorities have introducing new DNA legislation in a bid to help them solve a murder. Under the new laws, police will have the power to take DNA samples from suspects in a bid to narrow down their search for a killer. The island of 1800 residents has never experienced such a serious crime and therefore had no need for the legislation. Under current law, the island's police can only take DNA samples if a person had already been charged.
14. "Some inmates say 'no' to DNA sample." USA Today, April 15, 2002.
Inmates nationwide are refusing to give authorities DNA samples that could link them to other crimes, threatening efforts to build a nationwide database of convicts' genetic profiles that officials say could help clear thousands of unsolved cases. Authorities say inmates in as many as a dozen states -- including Maine, Massachusetts, New York and Illinois -- have refused to give blood or saliva samples containing DNA since states began requiring them from inmates during the 1990s.
15. "Lab technicians say no quick fix to evidence backlog." The Associated Press State & Local Wire, April 14 2002.
In Indiana, technicians at the state's crime labs say they will likely need years to analyze a mounting backlog of evidence, despite lawmakers' attempt to ease the problem with an additional \$12.2 million. The lab is facing backlogs in all areas of forensics, including but not limited to DNA.
16. "Man Jailed For Rape Wins New DNA Test." Daily Press, April 14, 2002.
In Suffolk, Virginia, a man serving 149 years in prison for rape and forcible sodomy won a court order for DNA testing on evidence that he hopes will clear him. He is among the first to take advantage of a 2001 state law that provides felons access to scientific tools such as DNA testing, and his case is the first time the law has been invoked in Suffolk.
17. "Lawyers Group, Prosecutors Agree On New DNA Testing For Rapist." St. Louis Post Dispatch, April 14, 2002.
In Missouri, St. Louis prosecutors and lawyers for the Innocence Project have reached agreement on new DNA testing for a convicted rapist. In the agreement, approved by a St. Louis Circuit Judge, the Innocence Project will pay for part of the testing. The St. Louis police crime laboratory and a private lab in Richmond, Calif., will divide evidence retained in the case and subject it to DNA testing that was unavailable at the time of the original trial.
18. "DNA delay to justice." Sunday Herald Sun, April 14, 2002.
In Victoria, Australia, a backlog in processing DNA samples is delaying some police investigations by up to 18 months. Melbourne's Forensic Science Centre has a backlog of 3,700 DNA samples which is hampering investigations into rapes, murders and burglaries. The lab is faced with a lack of scientific staff and police officers. A magistrate was forced to adjourn a rape case because of a lack of DNA evidence that had been requested two months earlier. The magistrate said that the justice system was being "held to ransom" by the Victoria Police Forensic Science Centre. Other magistrates have threatened to throw cases out because forensic evidence has been unavailable.

19. "Judge haunted by conviction of man now freed by DNA evidence." The Associated Press State & Local Wire, April 13, 2002.
The judge who imposed a life term on a former Pennsylvania man freed last week in Arizona by DNA evidence said he doubted the prosecution's case at the time but felt he could not go against the jury's decision to convict him. The man was released from state prison after prosecutors said a DNA sample taken from saliva and blood found on the stabbing victim was not a match to the inmate. Instead, prosecutors said the samples matched the DNA of another man incarcerated for an unrelated sex crime.
20. "Rules Will Make It Easier to Force Inmates to Provide DNA." Los Angeles Times, April 13, 2002.
In California, the Corrections Department has concluded that existing law allows "it to take these samples involuntarily, and that the growing number of inmates refusing to be sampled compels our decision to move forward." The department estimates there are roughly 900 prisoners in the state system who have refused to give blood and saliva samples for the databank, used to search for suspects in unsolved crimes. Although California was one of the first states to create such a databank, it has trailed behind national leaders in collecting inmate samples and comparing them to genetic evidence from unsolved crimes.
21. "Crime Lab Backlog Delays Arrest In Teen Girl's Death." The Oregonian, April 13, 2002.
In Washington, a backlog at the state's Tacoma crime lab reportedly kept Vancouver homicide detectives and the Clark County prosecutor waiting a year to make an arrest in the death of a 14-year-old girl. The lead investigator made several calls to the lab trying to expedite the DNA testing but ended up "waiting in line like everyone else." The wait became even longer after the Nov. 30 arrest of, the suspected Green River killer. The state Legislature has approved design money for a Vancouver crime lab.
22. "Statute of limitations on violent crimes changed." The Associated Press State & Local Wire, April 12, 2002.
In Georgia, the statute of limitations on violent crimes would be extended for DNA evidence under a bill that has passed both houses of the Legislature. There is no statute of limitations for murder, but other violent crimes must be prosecuted within seven years. The bill would end that time limit if DNA evidence comes to light linking a suspect with a crime. The bill also extends the time limit for crimes committed against children from four years to seven years. The Lt. Gov made the proposal part of his agenda this year and was frustrated it wasn't going anywhere. Lawmakers tacked the bill onto an old one and passed it overwhelmingly on the final day of the Legislature.
23. "Lawmakers moving to expand state's DNA testing of criminals." The Associated Press State & Local Wire, April 12, 2002.
In Arizona, lawmakers are lining up in favor of approving a dramatic increase in the number of criminals subject to DNA testing. A bill already passed by the Senate and showing strong support in the House would phase in testing of all convicted felons. Arizona now tests only those convicted of certain crimes, including homicide, sexual offenses and home burglary. One unresolved issue is how to pay the estimated \$2 million annual cost of the expanded testing. The debate centers on whether the extra money should come from increasing a current 77 percent surcharge on criminal fines and traffic violations.
24. "Evidence In Rapes Unchecked." Capital Times (Madison, WI), April 12, 2002.
U.S. Rep. Tammy Baldwin (D-WI) urged a House subcommittee today to devote more money to relieve a backlog in the DNA testing of rape evidence kits around the country. Rep. Baldwin has written a letter to the heads of the House Appropriations Subcommittee on Commerce, Justice, State and Judiciary, asking that \$50 million be included in next year's spending to pay for the DNA testing.
25. "Proposed DNA database expansion worth cost to solve crimes, backers say." Copley News Service, April 12, 2002.
The Illinois Legislature is continues its consideration of a bill to expand the state's DNA database to include all convicted felons. The state appears likely to enact the legislation, but funding issues are still a significant concern. Article highlights an Illinois case that was solved through a "cold hit" on the DNA database from a crime committed in Tennessee.
26. "Inmates offered DNA tests." The Daily Oklahoman, April 12, 2002.

In Oklahoma, the Oklahoma County District Attorney has unveiled "Project Justice," a program designed to use DNA technology in older cases to make sure no innocent people are in prison. The program is being patterned after one already underway in San Diego. Inmates whose cases meet certain criteria will receive a letter from the district attorney offering to test biological evidence in their cases to determine if they were wrongfully convicted.

27. "DNA ruling narrows inmates' right to test." The Dallas Morning News, April 12, 2002.
A new ruling by the Texas Court of Criminal Appeals has limited the legislation that provided convicts an opportunity for state-funded DNA testing. The court has concluded that convicts must show that a "reasonable probability exists that exculpatory DNA tests would prove their innocence." The DNA legislation passed last year required a reasonable probability "that the person would not have been prosecuted or convicted" if favorable DNA results were available.
28. "Police Waiting For DNA Results." Malay Mail, April 12, 2002.
In Malaysia, police are waiting for DNA results to identify the suspects for the murders of a Bangladeshi woman and her three children in February. Semen samples of 13 people who had been arrested in connection with the murders have been sent for testing.
29. "Police To Target Unsolved Rapes." The Northern Echo, April 12, 2002.
In Northumbria, England, police have launched "Operation Phoenix" – an effort to reconsider 300 unsolved rapes between 1992-97, where they hope to achieve positive results. The team is re-visiting exhibits from past crimes, so that biological samples, as well as clothing and property from victims and suspects can be sent off for DNA and other forensic analysis.
30. "National DNA database links suspect to rape." Star Tribune (Minneapolis, MN), April 11, 2002.
A "cold hit" on the offender DNA database has identified a rapist in Minnesota. The man's DNA profile was originally included in the national DNA database for a sexual assault conviction in Illinois.

Genetic Privacy / Research

31. "Congress Should Allow and Control 'Research Cloning'." Roll Call, April 15, 2002.
Popular Capitol Hill newspaper argues in favor of allowing therapeutic cloning but banning other human cloning. "The likeliest outcome - and perhaps the worst - would be for Congress to do nothing, leaving the field open for therapeutic cloning without regulation and for the cloning of babies, which only maniacs want."
32. "Bush urges Senate to ban all cloning of human cells." Austin American Statesman, April 11, 2002.
Declaring that "all human cloning is wrong," President Bush has called on the Senate to ban the use of human eggs to produce genetically engineered people or embryonic cells for research. He hinted that he would use a veto, if necessary, when the Senate takes up the issue later this spring.

Paternity

33. "DNA Shakes Up Child Support Law." Los Angeles Times, April 15, 2002.
"Advances in DNA testing have liberated convicts from death row and helped clear up scores of unsolved mysteries, but they have been slower to release men from obligations to pay child support in cases where the tests show they are not the biological father. Instead of resolving some of those cases, DNA has plunged the area of child support and paternal obligation into complicated new debate over the law and issues as profound as what it means to be a father." Eight states have passed laws allowing men armed with DNA evidence to challenge paternity judgments. Legislation is making its way through at least four others, including California. Ohio's law passed its Legislature two years ago with only one dissenting vote.