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The May 31, 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

Backlogs at the Washington State crime lab made the news, and People magazine reported on the Debbie Smith Act and federal efforts to increase funding for DNA testing issues. DNA acquired from a juvenile felon for Maine's DNA database subsequently tied the man (as an adult) to a rape.

Forensic DNA evidence solved crimes in Texas (serial rapist and a burglar), Florida (incest), New York (serial rapist and a murderer), Tennessee (robbery and kidnapping), Nevada (murder), Montana (cattle rustling), and New Jersey (murder). The Smithsonian has acquired DNA evidence from the OJ Simpson case.

A post conviction bill is moving forward in Rhode Island, and Innocence Projects are proliferating around the country. Requests for post conviction DNA testing made the news in Connecticut, and Missouri; and in Oklahoma, a man released after post conviction testing failed to identify him has subsequently pled guilty to the crime.

In international news...New Zealand may expand its DNA database to include more offenders. Labs in Australia backlogged with rising demands for casework, and India is establishing new DNA labs. Argentina and Taiwan are using DNA to identify airline disaster victims. DNA is playing an important role in murder investigations in China and Hungary, and helped convict a pedophile in Portugal. British officials used a DNA "dragnet" and sweat to identify a serial rapist.

NEWS ARTICLES

Forensics DNA

1. "Bates rape suspect in court for preliminary hearing." Sun Journal Online, May 31, 2002.
A man accused of sexually assaulting a Bates College freshman last month has been charged in a second rape, thanks to a "cold hit" on the state's DNA database. The man three had been convicted in 1999 as a juvenile in another sexual assault. (In 2001, the Maine Legislature decided to remove the requirement for juvenile felons to submit DNA samples for the DNA database, but the provision was not made retroactive.)
2. "No Time to Wait." People, June 3, 2002.
Story of a victim whose attacker was identified through the DNA database. The victim, Debbie Smith, is now advocating for federal assistance to states in helping reduce DNA backlogs. In Congress, the "Debbie Smith Act" is said to be gaining wide support. The bill authorizes \$200 million to help reduce the backlog and train hospital staff to conduct sexual-assault examinations.
3. "River Of Death." Time, June 3, 2002.
DNA evidence is playing a central role in the Seattle area investigation of the Green River Killer. DNA from some of the 49 victims attributed to the Green River Killer has been matched to a suspect.
4. "Police investigations hampered by lack of scientists." AAP Newsfeed, May 28, 2002.
In Queensland, Australia, the police union recently asserted that criminals were walking free because forensic scientists were unable to keep up with their workload. More than 30 staff at Brisbane's John Tonge Centre rallied during their lunch hour, calling for more funds to cope with growing workloads caused by an increased reliance on DNA evidence in criminal investigations. Their call was supported by the Queensland Police Union,

which said funds were urgently needed in the interests of justice.

5. "Spread of Innocence Projects seen as 'new civil rights movement'." The Associated Press, May 28, 2002.
The number of Innocence Projects around the country is growing. Some states, including California and New York, have appropriated money to fund these efforts, but most innocence projects rely solely on private donations and volunteer labor. DNA cases have been very important to many of the Innocence Project cases, but many of the cases resulting in exonerations have involved no genetic material at all.
6. "Govt To Expand DNA Tests." The Christchurch Press, May 28, 2002.
In New Zealand, legislation has been introduced to Parliament by the Justice Minister to allow police to take DNA from 415 serious criminals convicted of "relevant" offences prior to 1996 and still in prison, and to add the DNA profile to the national DNA data base. It also significantly widens the use of DNA profiling, to include suspects of burglary. Currently only suspects of violent crime can be tested. The bill has been welcomed by police but criticized by top defense lawyer as an infringement of civil rights.
7. "Simpson DNA Papers Go to Smithsonian." The New York Times, May 28, 2002.
DNA evidence from the O. J. Simpson trial has been sent to the Smithsonian Institution. The evidence was developed by Cellmark Diagnostics, now Orchid Cellmark, which examined 100 items of bloodstained evidence in collaboration with the California Department of Justice. It consists of laboratory records and measurements, not of Mr. Simpson's actual blood or DNA, all of which was returned to the state. The DNA evidence showed the presence of three people's blood at the crime scene, that of O. J. and Nicole Simpson and of Ronald L. Goldman. The defense attacked not the DNA evidence itself but its manner of collection, and the jury set aside the DNA evidence and found Simpson not guilty.
8. "Recent case uncovers old DNA evidence." The Associated Press State & Local Wire, May 27, 2002."
In South Carolina, the discovery that York County pathologists kept DNA evidence in murder cases from more than 20 years ago has defense attorneys wondering if there are other samples could help clear men wrongly convicted. Normally, pathologists send their best samples to be tested at the State Law Enforcement Division lab and destroy the rest of the material after 10 years.
9. "Serial Rape Suspect Nabbed." Daily News (New York), May 26, 2002.
In New York, a serial rapist who used elevators to trap his victims before attacking them has been arrested after a five-year terror spree. DNA was used to link the man to the rapes. The man is a registered sex offender, has a long criminal past, and once did seven years for a 1982 rape conviction.
10. "Suspect in 9 rapes arrested." Fort Worth Star Telegram, May 26, 2002.
In Texas, the man police believe is responsible for nine rapes over the past six years in Tarrant and Johnson counties has been arrested and charged with two of the sexual assaults. DNA evidence gathered in six of the nine rapes shows that those six are linked. The earliest of the rapes occurred in 1996, and DNA was retrieved. In August 2001, a Tarrant County grand jury indicted a John Doe suspect in that case based on his DNA because the five-year statute of limitations was about to expire. The indictment was the first of its kind in the county. A new state law that took effect Sept. 1 eliminated the statute of limitations for sexual assaults when DNA evidence is collected.
11. "Andes plane tragedy relatives left in limbo." Mail on Sunday, May 26, 2002.
In Argentina, authorities are no nearer to identifying the remains of the eight Britons whose bodies were recovered from a plane crash site after lying buried for more than five decades. There are fears that the Argentines may have overstretched themselves in offering to carry out complex DNA tests or are too embarrassed to admit that the DNA gleaned from the body parts was not strong enough.
12. "Lawmakers' to-do list: Auto tax, lead bill." The Providence Journal-Bulletin, May 26, 2002.
In Rhode Island, the Senate Judiciary Chairman plans to lobby House leaders to pass a Senate bill that would make it easier for jailed felons to try to use DNA evidence to challenge their convictions. Legislators hope to wrap up the session by the end of May.
13. "Little hope for 225 people on crashed Taiwan plane." Agence France Presse, May 25, 2002.
In Taiwan, officials have little hope of finding survivors of a China Airlines Boeing 747 that crashed into the sea west of Taiwan carrying 225 passengers. Officials took distraught relatives away to submit DNA samples

to help identify the bodies of victims.

14. "Deputies: DNA shows man is father of his grandchild." The Associated Press State & Local Wire, May 25, 2002.
In Florida, DNA tests show that a man is the father of one of his grandchildren. More DNA reports are expected. DNA tests were done after the man was arrested in February and charged with incest. He and his sister have nine children and five grandchildren.
15. "In Our View: Crime Lab Limbo." The Columbian (Vancouver, WA), May 25, 2002.
Editorial urges funding for the Washington State Crime Lab to address backlogs. "Backlog of evidence serves neither the innocent nor the cause of justice. Something is seriously wrong with a criminal-justice system that takes more than a year to make a murder arrest not due to lack of evidence, but because nobody has time to look at the evidence."
16. "Man Convicted In Rape Seeks New Trial." The Hartford Courant, May 25, 2002."
In Connecticut, lawyers who say a DNA test proves the innocence of a man convicted of rape have asked for a new trial. The defense questioned the reliability of the hair analysis in an unsuccessful appeal to the state Supreme Court. Last year, the defense asked for the DNA test, which showed that the DNA from the hairs does not match the DNA from Reid's blood, said Peter Hull, partner of Cummings & Lockwood. Hull has joined Karen A. Goodrow from the public defender's office to work on the case.
17. "DNA Technology, A Boon To Police." The Hindu, May 25, 2002.
The forensic science laboratory in New Delhi, India will soon have a DNA fingerprinting unit. Facilities for identifying individuals are now available only in the forensic science laboratories of Tamil Nadu, Andhra Pradesh, Gujarat and Maharashtra and the Central Forensic Science Laboratory, Kolkata. There is also a separate DNA fingerprinting laboratory at the Centre for DNA Fingerprinting and Diagnostics under the Union Ministry of Science and Technology in Hyderabad.
18. "China arrests two suspected in rapes, murders on Internet-arranged dates." Associated Press Worldstream, May 24, 2002.
Two men have been arrested in eastern China on suspicion of raping and murdering at least six girls and teenage women after arranging dates with them over the Internet. Police are using DNA analysis to identify the bodies, but results may not be ready for some time.
19. "Unusual move sends rape case back to trial court." The Associated Press State & Local Wire, May 24, 2002.
In Missouri, a man convicted of rape in Jefferson County will get an unusual review of his case by the trial court to see if DNA testing results not made available to the defense might have changed the outcome of his trial, the state Supreme Court has ruled. In the original trial, a crime lab report compared DNA in a sample of the inmate's blood with rape kit of the victim, a cutting from the victim's jeans and a cutting from the victim's underwear. According to the report, DNA testing excluded the man from being the contributor of the samples, but the report was not shared with the defense.
20. "Man gets 25 years for abusing 43 kids." Chicago Tribune, May 24, 2002.
In Lisbon, Portugal, a 56-year-old man was sentenced to 25 years in prison for sexually abusing 43 children in Portugal's worst pedophilia case. He was convicted on DNA evidence and the children's testimony.
21. "Two convicted in Tennessee 'love connection' bank heist case." The Associated Press, May 23, 2002.
In Tennessee, two men who forced a bank manager to rob her own bank while they held her family hostage have been convicted of armed bank robbery by extortion. The hostages collected some of the evidence against the men. One of the hostages, former military policeman, surreptitiously hid the cigarette butts left around the house by his captors. The cigarette butts yielded DNA evidence that pointed to the two suspects.
22. "Northern Nevada News Briefs." Northern Nevada News Briefs, May 23, 2002.
A Nevada inmate serving a life prison term for a 1994 murder has been sentenced to death for 1988 murder, thanks to DNA evidence connecting him to the crime. Washoe County Chief Deputy District Attorney said it marks the first time in Washoe County that a murder was solved and prosecuted solely on the basis of DNA evidence.

23. "Montana news briefs." The Associated Press State & Local Wire, May 23, 2002.
In Montana, a livestock inspector caught a couple of cattle rustlers using old-fashioned detective work and high-tech DNA testing. The inspector noticed a calf that fit the description of one that had been reported missing, and subsequent DNA testing proved that the calf belonged to the ranch that had reported it as missing. Two juveniles eventually admitted to stealing the calf.
24. "Ex-homeless man is charged with killing a third woman." The Record (Bergen County, NJ), May 23, 2002.
In New Jersey, a homeless man charged with raping and killing two women and leaving another for dead has now been charged with the slaying of a young Pompton Plains woman whose body was found on railroad tracks. DNA was used to link the man to this third murder.
25. "Suspect in 13-year-old murder case convicted of murder." The Associated Press State & Local Wire, May 22, 2002.
In New York, the suspect in a 13-year-old murder case has been convicted of second-degree murder. The man was linked to the killing last year after his DNA showed up in a rape investigation in Colorado that matched a sample found on the robe of the woman killed in New York.
26. "Innocence Bill Gains Support, But Faces Obstacles." The Bulletin's Frontrunner, May 22, 2002.
Although the Innocence Protection Act has gained support of over half of the members of the US House of Representatives, it is still far away from enactment. A similar bill does not have comparable support. Additionally, this is a similar bill to the one that received a hearing before the Judiciary Committee's Subcommittee on Crime in the summer of 2000, but then languished in subcommittee without the endorsement of the Committee chairman or the Republican majority.
27. "Logjam At State Crime Labs -- DNA Evidence Is Critical In Many Cases, But Testing Can Delay Arrests For Months." The Columbian (Vancouver, WA), May 22, 2002.
Six-month backlogs are a fact of life at the four DNA labs in Washington State. Lab officials blame inadequate funding, staff shortages and low salaries that hamstringing their efforts to recruit experienced forensic scientists. In 2002, state legislators gave the labs a \$ 1.1 million budget increase. Although the labs were one of the few agencies that received new funding this session, it was still less than the \$ 1.8 million requested. The new money will pay for, among other things, adding the equivalent of seven and one-half full-time forensic scientists to the 75 now on staff. However, because Washington pays 25 percent less than Oregon and California, crime labs won't be able to hire experienced people who would have an immediate impact on reducing the backlog. Despite advertising nationally, some jobs go unfilled for months, and they end up hiring recent college graduates who still have to be trained.
28. "Database Collects DNA Of Felons." The Columbian (Vancouver, WA), May 22, 2002.
The new Washington State law to expand the state offender DNA database to include all convicted felons means the number of annual offender samples will increase from 3,000 to 30,000, and will cost \$ 1.2 million a year to enter all convicted felons into the data bank.
29. "DNA tests may solve dozens of burglaries in affluent areas." The Dallas Morning News, May 22, 2002.
In Texas, a Dallas police detective's hunch and the use of DNA analysis might lead investigators to solve as many as 100 burglaries in some of the city's toniest neighborhoods over the last decade. Blood evidence found at burglarized homes has led to two convictions for the man, and police suspect that he is responsible for many more burglaries (possibly 100 or more) in the area. Many of the burglaries can no longer be prosecuted since the statute of limitations has expired.
30. "Bank Robbery In Mor - No DNA Match For Suspect." Hungarian News Agency (MTI), May 22, 2002.
In Hungary, the DNA samples taken from the Erste Bank branch office in the west Hungarian town of Mor - where eight persons were brutally killed during a bank robbery on May 9 - do not match the sample taken from the prime suspect. However, the National Police say that this evidence does not mean that the man was not at the scene of the crime. The man gave himself up on May 13, walking into a Budapest prison, as he had been wanted earlier for not beginning an eight-month sentence for rowdyism.
31. "Man released in DNA admits killing." Tulsa World, May 21, 2002.
In Oklahoma, a man who was released last after DNA testing revealed that forensic testimony about hairs linking him to the 1983 crime was inaccurate has admitted to the killing in a plea agreement with prosecutors.

After declaring his innocence for more than 20 years, the man pleaded guilty to kidnapping and drowning a 67-year-old man in 1981 after the retired Tulsa firefighter interrupted a burglary of his home. Prosecutors explain that the DNA testing excluded the evidence, but did not necessarily exclude him as a suspect. The man was the first applicant into the DNA Project administered by the Oklahoma Indigent Defense System. The program was established by the Legislature in July 2000 to assist inmates seeking DNA testing of evidence used against them at trial.

32. "Evil rapist trapped by a drop of sweat." Western Daily Press, May 21, 2002.
In the UK, police have identified a serial rapist thanks to "DNA dragnetting" and a drop of sweat found at a crime scene. Police found a drop of sweat in the fingertip of a latex glove that had gotten stuck to tape which had been used to tie a pillowcase over the 74-year-old victim's head. Although the man had previously been convicted of rape, police did not make a match because the conviction was prior to Britain's DNA database law. However, a specific type of car had been seen in the area of the attacks, and police began collecting DNA from all owners of that type of car. The rapist had been included in the "DNA dragnet" and he was linked to the rapes when the match was made on the database.

Genetic Privacy / Research

33. Mayo Clinic files hold trove of family gene data." The Associated Press State & Local Wire, May 28, 2002.
The Mayo Clinic plans to ask the Minnesota Legislature and private sources for \$80 million to underwrite a project linking patient files to DNA analysis. The goal is to discover genetic patterns that answer fundamental health questions. If Mayo pulls off the project, southeastern Minnesota would join Iceland and a few other hot spots in the emerging field of population genomics - the study of DNA patterns in large groups of people.
34. "States Pursue Cloning Laws as Congress Debates." The New York Times, May 26, 2002.
After nearly a year of arguments in Congress but no new federal laws -- the national debate over the future of human cloning has shifted to the states. Six states have already banned cloning in one form or another, and this year alone 38 anticloning measures were introduced in 22 states. The result is a patchwork of laws that complicate a nationwide picture already clouded by scientific and ethical questions over whether and how to restrict cloning or to ban it altogether.
35. "UC Researcher Admits Human Cloning Attempt." Los Angeles Times, May 25, 2002.
A UC San Francisco researcher attempted so-called therapeutic cloning of human embryos before moving his research to England last year, the university has confirmed. The efforts by geneticist Roger Pedersen and his colleagues did not succeed in producing any viable human embryos, and the effort was not publicized because of the lack of success, according to the vice dean for medical research at the school.
36. "This new law on DNA will never pass the truth test." The Times (London), May 25, 2002.
The recommendation by England's Human Genetics Commission to enact tougher rules on the use and storage of genetic data makes its arguments on the basis of privacy rights, but winds up as a case against truth. For example, in the case of a man or woman seeking private paternity tests -- "Remind yourself what the husband or mother would be seeking. They would not be seeking to take from that man anything he wants to withhold except the truth. They would be seeking not really a strand of his hair, but a fact: a fact which matters to them; a fact in which they have a direct interest; a fact they may feel they are entitled to know. Instead of asking whether the DNA was private property, perhaps the commission should have considered whether the fact was private property."
37. "Man to face trial over pubic hair case." AAP Newsfeed, May 23, 2002.
In Queensland, Australia, a policeman who allegedly asked people for their pubic hair under the guise of helping them get into the police force will stand trial. The man will face trial on multiple charges of fraud, extortion, false pretences, indecent dealing, common assault and assault causing bodily harm. Thus far, he has failed to shed any light on a motive in the case and has not been interviewed by investigators.

Paternity

38. "Court to decide what makes a father." The Daily Telegraph (Sydney), May 29, 2002.

In Sydney, Australia, a man is demanding his former wife repay \$30,000 in child maintenance after DNA tests showed her son was not his. The Victorian case, listed for next month in the Family Court, is understood to be the first of its kind in Australia. The former police officer, who believed the child was biologically his, paid maintenance for 14 years before DNA tests showed he was not the father.

39. "Supreme Court rules paternity judgment final." The Associated Press State & Local Wire, May 28, 2002.
In Colorado, the state Supreme Court has ruled that a father has no right to challenge a paternity judgment, even if a DNA test can prove he is not the father. The court ruled in the case where a father moved to obtain genetic testing more than 11 years after he was declared to be the father, after seeing the child's photograph. The court ruled that a challenge to a paternity judgment on the basis of mistake of material fact must be brought within a six-month time limit. The court cited the Colorado Children's Code governing genetic testing during paternity cases and the state's interest in safeguarding the welfare of children. Courts have upheld similar rulings in Ohio, Texas and Pennsylvania.
40. "The Bloke in the Pub - DNA Paternity Tests for sale on UK online auction." M2 Presswire, May 27, 2002.
In a British online auction site (called Bloke in the Pub), a DNA testing company has listed 100 paternity tests for sale in a dutch (multiple quantity) auction.
41. "Judge Urges Ban On 'secret' DNA Tests." Sun Herald (Sydney), May 26, 2002.
In Australia, the Chief Justice of the Family Court has called for new laws to make DNA paternity testing involving removal of a child's hair or saliva without permission a criminal offense. The judge's concerns were echoed by the Australian Law Reform Commission, which said it was possible an inquiry on protection of human genetic material in which it was involved would recommend prosecution in some cases.
42. "Bill will compensate exporters in settlements." The Jerusalem Post, May 23, 2002.
In Israel's Knesset a bill for a DNA database for Yemenite children is advancing. The proposal would require the Health Ministry to establish a DNA database to help solve the controversy of missing Yemenite children from the early years of the state. The Justice Minister is opposed to the bill, saying that it is dangerous and could tear apart families since it would be open to anyone for testing. The bill's sponsor says the database would enable parents to put their DNA on file and adopted children to search for parents.