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The June 14, 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 were reported at the Iowa state lab and throughout labs Texas, and an editorial urges more support for federal funding to address backlogs. "Cold hits" were made in California (murder) Oklahoma (rape), Florida (burglary), Texas (rape). DNA testing exonerated suspects in North Carolina and Massachusetts. DNA evidence has also tied one man to sexual assaults on girls in at least four different California communities. Storage of old rape kits in Tennessee is under review.

Oklahoma's Governor has signed a law extending the statute of limitations for cases where DNA evidence is available.

Post conviction DNA testing cases made the news in Kentucky, Oklahoma and Mississippi. Post conviction testing further implicated an inmate in Florida.

In international news...Slovakia is considering and legislation to allow DNA testing. A "DNA dragnet" effort in an Australian state made headlines. Australian police have also used DNA to solve a 20-year-old crime, and states continue to report successes in their DNA databases. DNA testing has helped to break a baby smuggling ring in China. Spain and the Dominican Republic may test remains thought to belong to Christopher Columbus.

STATE LEGISLATION

Forensic DNA

1. Massachusetts HB 5101 & SB 2300 – FY 2003 Appropriations -- Directs the crime lab to hire four additional chemists for the DNA lab.

Paternity

2. New Jersey AB 2374 – Establishes that a statistical probability of paternity of 95% or greater creates a rebuttable presumption that the alleged father is the biological father of the child.
3. Pennsylvania HB 2701 – Allows for paternity testing in child support appeals, but allows the court to consider the best interests of the child.

NEWS ARTICLES

Forensic DNA

1. "DNA evidence links man to slaying of woman killed in 1993." The Associated Press State & Local Wire, June 11, 2002.
In California, DNA has solved the murder of a woman whose body was found dumped in bushes near a freeway nine years ago. The suspect's DNA sample was on the state offender DNA database due to a conviction last

year of sexual assault of two minors. The man was 17 at the time of the murder.

2. "Citing DNA evidence, lawyers say man in prison for rape deserves new trial." The Associated Press State & Local Wire, June 11, 2002.
A public defender for a Kentucky man who has spent nearly 13 years in prison for rape and sodomy, says that new DNA evidence warrants a second trial. The case of Herman Douglas May is the first for the Kentucky Innocence Project, which assists prisoners in cases where evidence from genetic testing could lead to their exoneration. A motion for a new trial for the man asserts that DNA test results "absolutely exclude the defendant" as the man who attacked a woman in May 1988. A grant from the Kentucky Bar Association paid for the DNA testing.
3. "DNA lab may identify Columbus remains: Two countries feud over tombs of explorer." Calgary Herald, June 11, 2002.
Authorities in Seville, Spain, and Santo Domingo in the Dominican Republic both claim to be watching over the remains of Christopher Columbus. For more than 100 years, historians have debated which side is right. Scientists now want to dig up both sets of bones, glean some strands of DNA and compare them to DNA from Columbus's son through an extramarital affair.
4. "Police hit hysteria over bridge death DNA tests." Courier Mail, June 11, 2002.
In Queensland, Australia, police officials have said that reports that thousands of people were going to be DNA tested in the course of a murder investigation were inaccurate. Detectives are only planning to test around 100 people who live within walking distance of where the victim was killed. The samples will be used in an attempt to match DNA to saliva found at the death scene in the hours after her death. The Police Commissioner said any samples ruled not relevant to the investigation would be destroyed. Most residents of the area seem to be supportive of the testing.
5. "Suspect's DNA tied to other crimes." The San Francisco Chronicle, June 11, 2002.
In California, law enforcement officials have indicated that a man arrested on suspicion of molesting young girls in San Mateo had been linked through his DNA to sexual attacks on girls in Redwood City, East Palo Alto and Orange County.
6. "Police deny mass DNA testing will tie up labs." AAP Newsfeed, June 10, 2002.
Police in Queensland, Australia who are currently preparing to test around 100 people in a "DNA dragnet" (see article 8) have assured critics that the testing will not result in a backlog at the state's crime lab.
7. "Slovak Speaker calls parliament session for 18 June." BBC Monitoring Europe – Political, June 10, 2002.
In the Slovakia Parliament, discussion will soon begin on a bill to allow DNA-testing for identification, which President Schuster previously returned to parliament.
8. "Crime labs keep police waiting." Telegraph Herald (Dubuque, IA), June 10, 2002.
In Iowa, delays at the state crime lab are blamed on state budget cuts at the Iowa Division of Criminal Investigation. According to a preliminary analysis of the Iowa Department of Public Safety's fiscal year 2003 budget, 10 special agents and 10 criminalists could be cut from the Division of Criminal Investigation. The department has 50 employees. Losing 10 criminalists could result in a loss of work on 1,800 drug cases, 240 DNA cases and 900 urine-alcohol screens. Currently, processing of fingerprints has gone from 70 to 108 days in the past year; DNA from 63 to 77 days; and firearm analysis from 29 to 56 days. One project the budget is not expected to stop is the construction of a new crime lab facility and state medical examiner's office. Officials have lobbied for the project for a number of years.
9. "Offices Work On Keeping DNA-Laden Evidence." The Commercial Appeal (Memphis, TN), June 9, 2002.
In Tennessee, a stunning example of DNA's powers in exonerating the wrongly convicted has moved several Memphis agencies to start figuring out a way to better organize and protect biological evidence collected over the years from rape victims. He would not have won his freedom had not the biological evidence been kept by the Police Department and the University of Tennessee Health Science Center. But now an untold number of old rape kits - sealed packages which hold samples collected from sexual assault victims - must be moved from the university. The university's storage area houses rape kits assembled before 1985 and dating at least to 1980, but the building is being renovated. Old rape kits are also held in several other areas, but the agency officials involved could not readily identify the places last week. Representatives of the Memphis Police Department,

Shelby County Medical Examiner's Office, University of Tennessee Health Science Center and the Memphis Sexual Assault Resource Center are meeting about the issue.

10. "More budget cuts worry police." The Dallas Morning News, June 9, 2002.
Officials with the Dallas Police Department also are requesting \$ 715,000 for enhanced DNA lab analysis, despite looming budget cuts.
11. "Crime Lab Faces Overwhelming Backlog." Fort Worth Star Telegram, June 9, 2002.
Cases are not being processed at the Fort Worth, Texas crime lab due to manpower shortages and backlogs. Prosecutors and police say that the crime lab's serology/DNA unit, which screens evidence for biological material, is understaffed and overworked. The Fort Worth crime lab receives about 400 to 700 serology and DNA cases a year. Approximately 157 rape kits dating back to 2000 have not been processed, and the lab has hundreds of samples from old cases, many still within their statute of limitations, that have previously been screened for biological fluids but were never analyzed for DNA or were tested with outdated technology. Four of the other six public crime labs in Texas - the Department of Public Safety, the Southwest Institute of Forensic Sciences in Dallas, the Bexar County Medical Examiner and the Harris County Medical Examiner - all reported DNA testing backlogs. The Tarrant County Medical Examiner's Office and the Houston Police Department did not report backlogs, but Houston officials said with their current staffing and budget, they are processing only evidence requested by investigators.
12. "Criminalists' DNA Work Pays Off In Convictions." The Stuart News/Port St. Lucie News (Stuart,FL), June 9, 2002.
Article spotlights forensic DNA work at Florida's Regional Crime Laboratory in Fort Pierce. The biology section of the crime lab on the Indian River Community College campus pours over about 500 cases a year. A local detective calls the DNA work done at the lab an "overpowering" tool in cracking everything from sexual battery to homicide cases. "On some burglaries, that's all we'll have is blood."
13. "FBI Database Matches DNA." Albuquerque Journal, June 8, 2002.
New Mexico authorities are hoping that the FBI's national Missing Persons DNA Database will help identify the remains of a missing girl. The FBI plans to begin making routine use of the database to help identify human remains found in New Mexico and across the country. The database makes use of mitochondrial DNA, which is especially useful for identifying human remains.
14. "Peeping suspect cleared in killing." The News & Observer (Raleigh, NC), June 8, 2002.
In Raleigh, North Carolina, police said that DNA evidence does not link the slaying of a young woman with a man arrested at a nearby apartment complex. The man, who had been a prime suspect prior to the DNA testing, was arrested a few days after the murder and charged with six counts of peeping and one count of resisting arrest after a man was spotted looking into apartment windows near the murder victim's residence.
15. "DNA Evidence Helps Solve '99 Shop Burglary." The Stuart News/Port St. Lucie News (Stuart,FL), June 8, 2002.
In Stuart, Florida, detectives have used blood left behind at the scene of a crime to crack the case of a 1999 photo shop burglary where more than \$12,000 in camera equipment was stolen. A "cold hit" was made on the state's DNA database after the man's DNA sample was entered into the database for an unrelated crime.
16. "DNA testing clears man accused of rape." Telegram & Gazette, June 8, 2002.
In Massachusetts, DNA testing has exonerated a man who had been charged with raping a 24-year-old woman last summer. The victim had identified the man as her assailant, but the suspect has maintained his innocence and has pleaded not guilty to charges of rape and assault and battery. DNA testing requested by both sides was performed at the state police, and the profile did not match that of the suspect.
17. "Keating OKs measure; New law protects victims of sexual assaults." Tulsa World, June 8, 2002.
In Oklahoma, the Governor has signed a bill eliminating the seven-year statute of limitations on sex crimes under certain conditions, including DNA evidence. The new law is seen as especially important in light of a recent case in which a man convicted of a rape has recently been exonerated through post conviction DNA testing. Prosecutors believe that same DNA evidence might be used to prosecute the person they now believe committed the crimes. The suspect is in prison for another crime, and without the new law the alleged assailant might never be prosecuted.

18. "China arrests 13 in case of trafficking babies." Agence France Presse, June 8, 2002.
Chinese police have arrested 13 members of a suspected criminal gang who are being charged with trafficking 21 babies in southern and central China. Two female members of the gang were nabbed recently and claimed the babies were their own, but DNA tests revealed otherwise, prompting the women to confess to gang activities and name other members.
19. "Man charged after DNA technology used to crack 1982 child murder." Agence France Presse, June 8, 2002.
In Australia, a man has been charged with rape and murder of a young girl which had baffled police for 20 years until they re-examined the case using DNA technology. The break in the case came after a "cold case squad" set up by the Victorian state police last year was assigned to reinvestigate the murder using modern forensic techniques. The homicide squad's cold case team is re-examining murder cases dating back to the 1950s.
20. "Justices order hearing on inmate's new DNA evidence claim." The Associated Press State & Local Wire, June 7, 2002.
The Mississippi Supreme Court has ordered a county judge to hold a hearing on claims by a death row inmate that new DNA evidence could lead to an acquittal. In March 2000, the Supreme Court denied the man a new trial, ruling that the man could have done the DNA testing at any point in his 1995 trial. The Justices said it was his own fault that the defense never asked for tests. In December 2000, the Supreme Court, without comment, ordered the County Circuit Court to conduct a hearing that could lead to the man's being allowed to test the DNA evidence, at county expense. In June 2001, the man's attorney reportedly received documents from a private lab saying that DNA results of tests of semen removed from the child's body were from two unknown DNA donors - neither was the inmate's.
21. "DNA Evidence Ends 30-Year Hunt For Killer And Rapist." The Independent (London), June 7, 2002.
In the UK, a nightclub bouncer whose body was exhumed last month has been linked through DNA testing to the murder and rape of three teenage girls almost 30 years ago. Police are now examining other unsolved murders and sexual assaults throughout the country to discover if the man, who worked as a driver in the 1970s, committed further crimes. The murder inquiries were reopened last December when new DNA evidence showed the three cases were linked. Detectives trawled the national database and discovered a near match. It belonged to a relative of the man's who had been tested as part of a different inquiry.
22. "KC Crime Lab to add more DNA analysts." Kansas City Star, June 7, 2002.
The Kansas City crime lab is planning to hire two additional DNA analysts, to bring the total number of analysts up to 6. The Kansas City Deputy Chief found money for the positions by eliminating two administrative positions from the budget. He said the move made sense because of the potential DNA has for solving violent crimes. The crime lab has a backlog of 100 current cases, involving up to 500 DNA samples. It will take about one year and cost \$200,000 to train the new analysts. The new analysts, who will each start at about \$35,000 a year, are part of a plan to expand the lab's DNA team. The department's goal is to hire three more DNA analysts.
23. "DNA test fires up vehicle thieves." The Mercury Hobart, June 7, 2002.
In Australia, the Tasmania Police Minister reported that car thieves are burning stolen vehicles more often these days to reduce the chances of DNA being found and used to identify and charge them. Between January last year and April 25 this year, a total of 5374 DNA samples had been collected from suspects, those who had been charged, prisoners and volunteers. An additional 4121 crime scene items had been submitted for DNA analysis, and a total of 600 samples have been matched from crime scenes to persons. A further 108 matches occurred from crime scene to crime scene, suggesting the same offenders were engaged in more than one crime. In one case, a suspect's DNA had been matched against 10 separate crime scenes, all of which were property offences. DNA testing has also excluded 62 suspects.
24. "DNA Results Won't Set Zeigler Free ." The Orlando Sentinel, June 6, 2002.
In Florida, a convicted murderer, who fought for years for DNA testing in his 26-year-old case, finally got his wish, but the results failed to clear him.
25. "Justice for rape victims." The Seattle Times, June 6, 2002.
Editorial – "Law-enforcement agencies have some of the answers about who committed unsolved rapes. They just don't have the means to decipher all of them and bring the criminals to justice. Of the 348 DNA analyses

Washington has conducted in forcible-rape cases in the past two years, 8 percent have matched DNA results in the state's database of violent and sexual offenders, a report by U.S. Sen. Maria Cantwell's office found. Twenty-eight cases with few or no leads were solved. But of 17,000 forcible rapes reported in the last five years, only about 4,000 -- less than one-quarter -- were forwarded for lab analysis. Applying the same 8-percent success rate to the remaining 13,000 means that potentially another 1,000 might be solved.

26. "DNA links U. Texas-Arlington, TCU rapes." University Wire, June 6, 2002.
In Texas, DNA testing has confirmed that the same man committed a sexual assault at the University of Texas-Arlington on May 13 and one at Texas Christian University on Feb. 18.
27. "Rape Kits; HPD strives to end 'embarrassment' of untested DNA." The Houston Chronicle, June 5, 2002.
In Houston alone, there are an estimated 7,200 rape kits, dating back to 1992, that have never undergone DNA testing. The statute of limitations on sexual assault cases is 10 years, so every day that passes without testing a kit's evidence for a DNA match potentially means another victim will never see justice done. "We are not happy - we are embarrassed that these cases have been lying around," said Houston Police Chief C.O. Bradford. "It's unacceptable to me to have these cases sitting here."

Genetic Privacy

28. "Insurers won't pay clients who keep genetic secrets." Ottawa Citizen, June 11, 2002.
In Canada, health and life insurers say they are prepared to deny insurance payouts to people who are diagnosed with a predisposition to a genetic illness but fail to disclose their test results. The vice-president external relations for the Canadian Life and Health Insurance Association said that although insurance forms don't specifically ask whether someone has been tested for risk of a genetically linked illness, people who take such tests and then fail to inform insurers of the results may have their claims denied.
29. "We won't stock gene test kits, say stores." The Evening Standard (London), June 7, 2002.
In England, a controversial over-the-counter gene test will not be stocked by many stores until Government regulation is introduced. Thirteen stores including are refusing to sell the tests because there is not enough consumer protection in place. Some stores expressed concern about how genetic information from home tests would be stored.

Paternity

30. "High court won't hear paternity argument." The Atlanta Journal & Constitution, June 12, 2002.
The U.S. Supreme Court has refused to consider the case of a Decatur, Georgia man who was ordered to pay child support even though DNA proves he's not the father. The man had been paying child support to his ex-girlfriend for 11 years. Two years ago, when the court ordered him to pay more, he got a blood test that showed he was not the child's father. He went to court saying he should not have to pay further child support. He has not paid since then and has not seen the child, who is now 13. Under a new Georgia law, men no longer would be required to support children who, as proved by genetic testing or other evidence, are not theirs. The law takes effect July 1, but would not apply in this case.
31. "In state after state, men are challenging laws forcing non-fathers to pay child support." The Associated Press State & Local Wire, June 11, 2002.
More and more states are considering issues relating to child support and new DNA testing that disproves paternity. Georgia enacted legislation in May allowing a man to stop paying court-ordered support if DNA tests prove he did not father the child in question. A similar bill has reached the California Senate after clearing the state Assembly. Measures have been introduced in several other states, including Vermont, Massachusetts and Michigan. Opponents of the bills worry that children will be suddenly deprived of long-term relationships and financial support, while supporters say the real issue is fairness. If DNA testing can free wrongfully convicted Death Row prisoners, it should be able to extricate men from child support orders based on false premises, they argue.
32. "Bill could upend fatherhood law." Sacramento Bee, June 9, 2002.
A California bill would allow men to stop paying child support if they did not hire an attorney to contest paternity, were ordered to pay child support and then discovered years later that they couldn't possibly be the

biological father. Nine states have passed legislation allowing paternity judgments to be challenged by DNA tests, and five others have bills pending. Under current California law, every man has a right to contest paternity, but only for a designated period unless he was defrauded of his legal rights. When time for challenges runs out, generally within two years, the court's order stands and DNA test results won't alter it.

33. "High court: Divorce ends man's chance to challenge paternity." The Associated Press State & Local Wire, June 6, 2002.

The Florida Supreme Court has ruled that a man who agrees to pay child support as part of a divorce can't try to stop payments later by arguing he's not the real father. The only exception would be cases involving fraud, newly discovered evidence or mistakes. Five years ago, Florida's high court ruled that a former husband didn't have to support a child he had not biologically fathered, adopted or agreed to care for.