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The June 21, 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

Pennsylvania has expanded its DNA database to include more felons, and a bill in North Carolina would expand the DNA database to include certain arrestees. A New York editorial urged the state to expand its offender DNA database to include all convicted felons, and an Illinois editorial urged funding of the state's recently expanded database.

“Cold hits” made the news in Connecticut and Ohio, and significantly aided investigations in Texas, California and New Jersey. Backlogs and budget cuts to crime labs are coming in Iowa and Alabama, and a new lab opened in Mississippi and is under construction in Illinois. A US Senator claims that states are not complying with a federal law requiring them to pay for the forensic exams of rape victims

Congress is considering federal post conviction legislation. Orange County, California review of possible post conviction cases found 0 that met testing requirements, and a similar review effort is now underway in a Oklahoma County. Another post conviction testing case made the news in Kentucky.

In international news...Germany may be beefing up its DNA powers, and a British report found that police are not making full use of DNA evidence. Australia DNA headlines included issues of interstate connectivity, funding, and expansion. Interpol help may impact Russia's use of DNA.

STATE LEGISLATION

Forensic DNA

1. New York AB 11813 – Provides further details for expunging DNA samples from the database upon reversal of a conviction.
2. North Carolina HB 1738 – Requires DNA samples to be collected at arrest for inclusion in the DNA database for those crimes that are already required upon conviction.
3. North Carolina HB 1767 – The state crime lab must complete and pay for DNA testing and analysis of evidence collected at a rape crime scene if requested by the victim or the investigating local law enforcement agency.

Genetic Privacy / Research

4. New York SB 7638 – Creates the “Human Cloning Prohibition Act.”

NEWS ARTICLES

Forensic DNA

1. “Policies for conservative Germany.” The Times (London), June 19, 2002.

Bavarian Premier and leader of the Christian Democrats in Germany, Herr Soiber is a hardliner on crime and immigration and he promises to a tough crackdown on drugs, violent criminals and rapists. His plans include a better DNA database for criminal investigations. Soiber is likely to be the next Chancellor of Germany.

2. "Hearings put spotlight on proposed death penalty reforms." The Associated Press State & Local Wire, June 19, 2002.
The US House of Representatives has held a hearing on the "Innocence Protection Act" that would provide federal defendants with wider access to DNA testing. The law would bar states from denying applications for DNA testing by death row inmates, if the proposed testing had the potential to produce new evidence material to the inmate's claim of innocence. The Republican leadership in the House remains relatively unsupportive of this measure.
3. "Half of men DNA tested agree to stay on database." AAP Newsfeed, June 18, 2002.
In Queensland, Australia, more than half the men who have given DNA samples to local police as part of a murder probe have said their profiles can be permanently recorded on a DNA database. At the last count, police had collected DNA samples from 78 of the 100 men in the town aged 14 to 60, who live within walking distance of the crime scene.
4. "Police forensic officers walk off job." AAP Newsfeed, June 18, 2002.
In Victoria, Australia, about 80 forensic officers rallied outside police headquarters in Melbourne over a pay and conditions dispute. The officers said their morale was at an all time low and many experienced staff trained at a cost of up to \$160,000 each were leaving to work interstate and overseas. The workers include scientists such as those who do DNA testing.
5. "Police use DNA to arrest, charge man for 1992 murder." The Associated Press State & Local Wire, June 18, 2002.
In San Antonio, Texas, police have arrested and charged a man with murder after DNA testing linked him to the death of a high school student 10 years ago. The case was recently reopened as part of the Department of Public Safety's Cold Case Unit
6. "New Coast Crime Lab building opens." The Associated Press State & Local Wire, June 18, 2002.
In Mississippi, a new home for the state's Gulf Coast Crime Laboratory has opened. The lab, which had previously operated from rented offices, assists local, state and federal law enforcement agencies in 11 south Mississippi counties. The new 11,000 square-foot facility is part of a five-year plan developed to strengthen the state's crime labs.
7. "Forensics department plans cut in services." The Associated Press State & Local Wire, June 18, 2002.
Alabama's Department of Forensic Sciences is again planning to cut its services due to a drop in funding. The agency's budget will be about \$2.25 million short for the fiscal year starting Oct. 1. The primary reason is less money coming in from penalties paid in drunken driving cases and criminal court cases. Two years ago, the department was so strapped and so backlogged that the Director threatened to close the doors to new cases. But additional federal funding and \$17.5 million from a state bond issue allowed the department to keep its doors open, increase its employees from 149 to 179, and improve its labs.
8. "Oklahoma County offers DNA review to 111 prison inmates." The Associated Press State & Local Wire, June 18, 2002.
Oklahoma County prosecutors are offering to review biological evidence, if available, for 102 convicted murderers and nine convicted rapists who have maintained their innocence. Fifteen prison inmates already have asked for DNA testing within about one week of receiving letters from the District Attorney's office. The district attorney's office chose the 111 defendants, all convicted in jury trials, after reviewing 275 murder and rape convictions. Defendants who confessed or pleaded guilty did not receive letters. Most of the cases are at least 10 years old, when DNA testing was not available
9. "Suspect in serial killings to be charged with another murder, report says." The Associated Press State & Local Wire, June 18, 2002.
In Connecticut, a suspect in what police believe were the serial killings of several city women was expected to be charged a third murder. Police said evidence, including DNA test results, show that the man had sexual involvement with all three women. State investigators have matched DNA from blood, semen and cigarette

butts found at the homicide scenes to the suspect's through the state's sex offender database.

10. "States wrangle over DNA tests." The Daily Telegraph (Sydney), June 18, 2002.
Australian column ponders whether a recent high-profile DNA testing case was "a political exercise designed to highlight shortcomings and problems with cross-state DNA. For years state and federal governments have wrangled over getting the national DNA database up and running to no avail." The case highlighted an "anomaly" which prevented a comparison of DNA samples between states and long-held frustrations that the much-lauded national DNA database was still not up and running.
11. "Court upholds sentence of man who murdered parents." The Associated Press State & Local Wire, June 17, 2002.
In Michigan, the state Court of Appeals has released its decision in the case of a man convicted of murder who argued that a judge should not have admitted DNA evidence in his case without including statistical evidence on the frequency of DNA matches. The court ruled that some cases rely on expert DNA testimony to place a suspect at the scene of a crime, but in this case there was no such question because of an eyewitness. The appeals court said the inclusion of the DNA evidence was helpful and relevant to the case, but required no expert analysis.
12. "Budget fails to fund DNA database." Copley News Service, June 17, 2002.
Illinois editorial reads: "Gov. George Ryan must do more than sign legislation requiring all convicted felons to submit DNA samples to make Illinois the 15th state with a complete DNA database. He must find a way to pay for it... Truth is, Illinois taxpayers ultimately will have to pay - \$5.8 million in the first year and \$1.6 million annually thereafter - if the DNA database is to be broadened. It is worth the investment... It is sad, and potentially dangerous, if Illinois fails to put felons' DNA on file because money isn't available."
13. "The politics of DNA." Sunday Territorian, June 17, 2002.
Article discusses the various stages of implementation of DNA database statutes throughout the Australian states. The Federal Government, New South Wales, the Australia Capital Territory and Tasmania have passed laws that align closely with the 2000 Model Bill drafted by a crime committee. South Australia and Victoria are considering amendments to their legislation to accommodate the Model Bill. Western Australia introduced legislation and then let it lapse. Queensland and the Northern Territory laws are "markedly different and broader in application."
14. "Panel Says No Retrials for O.C. Prison Inmates." Los Angeles Times, June 15, 2002.
Under an "innocence project" started two years ago, Orange County prosecutors and public defenders have reviewed the cases of 27 inmates who claim to be wrongly convicted but found that none deserve new trials. Orange County officials reviewed 38 cases. However, 11 were rejected because they were not local cases. Fifteen others involved evidence that was destroyed or did not exist.
15. "Suspect faces new sex assault charges." San Jose Mercury News, June 15, 2002.
In California, San Mateo County prosecutors brought 17 additional sex-related charges against a child molestation suspect who authorities say preyed on girls. The charges involve nine more victims and authorities warn "there may be more cases." The new charges came from a combination of witness identifications and DNA matches. The cases were spread over two years, from March 2000 to December 2001.
16. "Judge says Andrew not hurt by DNA decision." The Saturday Oklahoman, June 15, 2002.
In Oklahoma, a judge has ruled that a murder defendant was not harmed or prejudiced when a district judge allowed prosecutors to withdraw their request for a DNA sample. "Quite the contrary," District Judge Ray Elliott said after an evidentiary hearing ordered by the state Court of Criminal Appeals. "She benefited. She didn't have to give it before the preliminary hearing."
17. "DNA on cigarette matched with killer." South China Morning Post, June 15, 2002.
In Hong Kong, DNA on a cigarette butt found at the scene of a fatal stabbing led police to the killer. The suspect, who was serving three years and three months for burglary, gave a sample on November 21, 2000, and his DNA matched that on the cigarette. He initially denied any involvement in the murder, but on the day after his early release, the man asked to see the chief investigator and confessed.
18. "Prisoners to give DNA samples under WA database program." AAP Newsfeed, June 14, 2002.

Serious offenders in Western Australia must now provide DNA samples which will eventually be fed into a national database to help fight crime. Under the \$22 million state government program known as Back Capture, more than 6,000 people charged or convicted of a serious offence - including juveniles - will have to give DNA samples over the next year. More than 90 per cent of WA's current total prisoner population of 2,800 would be swabbed and, with the normal turnover of prisoners, a further 1,200 would be tested. Additionally, another 2,000 serious offenders, currently on parole, home detention, intensive supervision and community-based work orders, will also have samples taken.

19. "DNA evidence leads to sentencing in 1998 rape, kidnapping." The Associated Press State & Local Wire, June 14, 2002.
In Ohio, a "cold hit" on the national DNA database, has resulted in the sentencing of a man linked to a 1998 kidnapping and rape in Fairfield. The man was on the DNA database due to an Indiana conviction for an unrelated sex crime. DNA evidence collected after the 1998 rape was sent to the state crime lab, which unmatched the sample. "They got a search warrant, got another blood sample from him and that sample was used to check it again and it was a definite match - in fact it was a huge match."
20. "Man being retried on basis of DNA evidence." The Associated Press State & Local Wire, June 14, 2002.
In New Mexico, prosecutors will retry a Santa Fe man on vehicular homicide charges on the basis of newly acquired DNA evidence from the windshield of the vehicle that struck and killed a retired corrections officer. The first trial ended in a hung jury last December after one juror would not vote to acquit him. The District Attorney has asked for a DNA sample to compare with a sample from the windshield. The suspect has agreed to the sample and believes the DNA test will exonerate him.
21. "Queensland DNA testing in crisis." AAP Newsfeed, June 13, 2002.
Legislators in Queensland, Australia are calling for urgent funding was needed to help the state's only forensic laboratory, the John Tonge Centre, cope with a backlog of investigations. "Modern policing demands that police officers have access to the latest technology but it's of no use if results do not come back on time."
22. "Interpol to provide Russia with new equipment to fight organized crime, terrorism." Associated Press Worldstream, June 13, 2002.
Interpol will be providing Russia with state-of-the-art telecommunications equipment to help transmit data, including DNA, quickly between law enforcement agencies in many nations. A technical team would be sent to Russia next week to help set up the system.
23. "Lawyers sue to stop destruction of DNA evidence." The Associated Press State & Local Wire, June 13, 2002.
In Kentucky, lawyers claim DNA testing could help prove the innocence of a Laurel County man serving a life sentence for murder. A state public defender, along with three attorneys and two law students for the Innocence Project in New York, filed suit Wednesday in U.S. District Court at Covington asking that blood samples collected at the murder scene 11 years ago be tested, not destroyed.
24. "Murder trial told prosecution 'blinded by science'." The Irish Times, June 13, 2002.
In Cork, Ireland, a defense lawyer has claimed that the prosecution in the trial of a man accused of rape and murder was "blinded by science" - in this case DNA evidence.
25. "Police 'failing to use DNA to crack crime'." Western Daily Press, June 13, 2002.
A new report in the UK finds that police are failing to make full use of DNA and fingerprint evidence to combat crime. Her Majesty's Inspectorate of Constabulary (HMIC) said progress with the vital crime-fighting tools was sometimes moving "too slowly". The Home Office police minister admitted the findings were "disappointing". The Government gave the Forensic Science Service in Birmingham an additional 187million to help it reach its target of DNA profiling three million active criminals by April 2004. The report, entitled Under The Microscope - Refocused, assessed how the 43 forces in England and Wales had responded to HMIC recommendations made in July 2000.
26. "Sheriff's office addition set to start construction." Chicago Tribune, June 12, 2002.
Ground has been broken for a facility in DuPage County, Illinois that will provide about 25,000 square feet of additional office space for law enforcers. The Sheriff said, "We will increase and expand our DNA lab as well as the drug analysis, firearm and other forensic science divisions." About \$4.8 million of the estimated \$5 million cost of the addition will be paid from state funds.

27. "DNA tests spur police to reopen probe in slaying of Holocaust survivor." The Associated Press State & Local Wire, June 12, 2002.
In New Jersey, DNA taken from the home where a Holocaust survivor was found beaten and stabbed to death does not match that of the prime suspect in the case. However, the tests identified the DNA of two other suspects who are now being sought.
28. "About half of human remains from WTC site did not yield DNA." The Associated Press State & Local Wire, June 12, 2002.
As many as half of the nearly 20,000 pieces of human remains recovered in the World Trade Center ruins have not yielded DNA and are being preserved for future testing, according to the city medical examiner. The remains that don't produce enough DNA - or any at all - are being dried for preservation in hopes that developments in DNA technology might someday yield results from those remains.
29. "Schumer says state not paying for all rape kits." Rochester Democrat and Chronicle, June 11, 2002.
US Senator Charles Schumer (D-NY) said that states are failing to comply with a federal law requiring them to pay for the forensic exams of rape victims. Schumer put most of the blame on the U.S. Department of Justice, which he said is responsible for ensuring that states comply with a federal law enacted in 2000. Under the law, the state received a \$7.2 million grant this year to reimburse rape victims and insurance companies for the kits' cost. So far, New York has only partially complied - reimbursing uninsured rape victims, Schumer said. Those with health insurance are left to fight it out with their insurance companies to get coverage. Preferred Care insurance said, "Because it is not a medically necessary procedure, we don't cover it."
30. "Spread The DNA Net Wider." The Dominion, June 3, 2002.
New Zealand editorial: "The only protest that fair-minded people should make about the latest widening of the criminal-DNA net is that it has taken so long. The proposals have been in the legislative works for two years, during which time police could have been using enhanced powers and a bigger DNA database to help jail rapists and robbers, deter other offenders, and make us all safer."
31. "Two years of cuts change face of government." Des Moines Register, May 26, 2002.
More than two years of budget cuts in Iowa have significantly slowed some state government services, forced most employees to do more work, and created a greater chance that crime and abuse will slip by without notice. A 13 percent staff reduction at the Department of Public Safety has meant that local law enforcement and prosecutors have been forced to wait longer for help. Backlogs in the state crime lab have slowed criminal investigations and court cases statewide. It now takes the crime lab 77 days instead of 63 to process DNA samples.
32. "Expanded DNA works." Journal News (Westchester County, NY), May 7, 2002.
New York editorial: "Compelling evidence is mounting in favor of taking DNA samples from all convicted criminals. The argument is fading against taking a DNA sample, for example, from a convicted white-collar forger. We shared the skepticism, viewing taking samples from non-violent criminals as a costly and unnecessary intrusion. That was before 10 of the 22 convicted forgers in Virginia were linked to murders and sexual assaults through that state's DNA database... Last year, Gov. George Pataki prevailed on the Legislature to expand DNA sampling to include nonviolent felons convicted of such crimes as burglary and auto theft. This has resulted in identifying suspects in 308 cold cases, including that of Patrick Baxter of Yonkers, who is on trial in the murders of two women and a 14-year-old girl in Westchester dating back to 1987.

Genetic Privacy / Research

33. "Aetna promotes genetic testing." The Associated Press State & Local Wire, June 18, 2002.
Aetna is promoting genetic testing for early disease detection and is calling on other health plans to back federal legislation that would prohibit discrimination based on test results. "I believe that there is a pressing need for the health insurance industry to establish guidelines for covering genetic testing in a way that promotes disease prevention and disease management, while at the same time respecting members' privacy," Aetna chief executive Dr. John W. Rowe said in a statement.
34. "Cloning Receives a Makeover." Los Angeles Times, June 17, 2002.

Last week, the national campaign to ban all human cloning collapsed in the US Senate. Supporters of the ban acknowledged that they were well short of the 60 votes needed for passage, and they backed out of a debate on the Senate floor that they had been seeking for months. Prospects for a total ban are now "substantially, substantially" reduced, though not dead.

35. "Anti-Cloning Patent Legislation Stifles Life-Saving Research." US Newswire, June 14, 2002.
The Coalition for the Advancement of Medical Research (CAMR) reacted to Sen. Sam Brownback's (R-Kan.) amendment precluding the U.S. Patent and Trademark Office (PTO) from granting patents on processes and products derived from therapeutic cloning (somatic cell nuclear transfer). The Coalition, comprised of leading patient groups, universities, and scientific societies, has led the charge to oppose a ban on therapeutic cloning. "Senator Brownback's amendment outlawing patents on cloning is just another attempt to halt therapeutic cloning altogether."
36. "Latvian Parlt Adopts Law On Human Genome Research." Baltic News Service, June 14, 2002.
The Latvian parliament adopted the law on human genome research which will form base for development of genetic information system of Latvia's residents. The law is designed to develop genetic information system of Latvia's residents and set up people's genome state register which is expected to promote development of general medical information system in electronic form

Paternity

37. "In state after state, men are challenging laws forcing non-fathers to pay child support." The Associated Press State & Local Wire, June 16, 2002.
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 California's senate after clearing the state assembly. Similar measures have been introduced in Vermont, Massachusetts and Michigan.