

# DNARESOURCE.COM

Smith Alling Lane, P.S. provides governmental affairs services to Applied Biosystems. As part of this representation, the firm generates weekly reports on state and federal legislation and news articles. Applied Biosystems has authorized Smith Alling Lane to make these reports publicly available through this website. The information presented in these reports does not necessarily reflect the viewpoints of Applied Biosystems or Smith Alling Lane, P.S.

The June 28, 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 candidate for Attorney General in South Dakota is calling for an all-felons DNA database. The FBI has announced that the national DNA database has reached one million profiles.

Ohio will be using funds from its Crime Victims Fund to help pay for DNA database expansion costs, and a new fee will help out the Indiana crime lab. In Rhode Island, legislative budget cuts to the forensics department could result in the elimination of DNA analysis. The head of Alabama's forensic department is leaving for a new job in Georgia, in part due to new budget cuts in Alabama.

"Cold hits" were made on DNA databases in New Mexico and Colorado. DNA was also used to solve crimes in Nebraska, Louisiana, Illinois, and Arizona.

In International news...The Czech Republic is discussing is discussing a forensic DNA database. Australia carried many headlines on forensic DNA, including issues of database expansion, coordination within and between states, and post conviction testing. British forensic experts hope to eventually build a surname database based on DNA, and Chinese detectives visiting England have expressed an interest in learning more about forensic DNA.

## NEWS ARTICLES

### Forensic DNA

1. "New unit to coordinate DNA samples." The Canberra Times, June 26, 2002.  
In the Australia Capital Territory, a new police unit will coordinate the ACT's DNA samples, making it easier to solve crimes. The DNA Coordination Unit, announced in the recent Budget proposal, will catalogue hundreds of existing samples along with those taken from crime scenes and offenders, allowing police to potentially match them to other samples. The unit will be staffed by four officers, provided for in the 2002-3 Budget. The unit will also look at other policy and education issues including legislation allowing for the exchange of DNA samples to other jurisdictions.
2. "A glance at new Indiana laws that take effect July 1." The Associated Press State & Local Wire, June 25, 2002.  
Indiana lawmakers have approved a detailed law designed to fortify the state's defenses against a terrorist attack. It would use fees from the Bureau of Motor Vehicles to pay for a new statewide radio system and would also help reduce a backlog of evidence awaiting testing at police crime labs.
3. "DNA match apparently links convicted offender to three rapes." The Associated Press State & Local Wire, June 25, 2002.  
In Colorado, a "cold hit" on the DNA database has linked a convicted child molester to three unsolved rapes in Boulder and Lafayette in the 1990s. A judge has ordered additional blood and saliva samples from the suspect to verify the match before an arrest warrant is issued. The man is in a state prison for violating parole conditions. Detectives have been resubmitting evidence from sexual assault cases dating back to 1990 for more technologically advanced DNA testing. A Boulder court case questioning whether such evidence could be used in trial held up the match until recently. The state Supreme Court ruled last year that a relatively new technique

used to match DNA evidence was scientifically reliable and could be presented to juries.

4. "Ohio Hurts Crime Victims Again." Dayton Daily News, June 25, 2002.  
Editorial criticizes the Ohio Attorney General for paying for offender DNA testing through the Crime Victims Fund rather than spending that money on direct compensation to victims of crime. "The testing will not address the backlog of evidence collected from the victims of rapes and other previously committed heinous crimes in an attempt to solve those crimes. Rather, it will be conducted to establish a database against which future convictions for crimes that have not yet been committed may result. The costs for this testing will be paid for at the expense of the victims of crime who are denied awards by that program."
5. "America's State Legislators to Hold Annual Meeting in Denver." US Newswire, June 25, 2002.  
At the upcoming annual meeting of the National Conference of State Legislators, one of the scheduled seminars is "DNA: Crime Fighting Revolution."
6. "DNA access to aid crims." Sunday Herald Sun, June 23, 2002.  
In Victoria, Australia, the State Parliament is considering establishing DNA Innocence Panels to examine cases where convicted criminals claim DNA evidence could clear them. The Law Reform Committee is considering the panels as a key part of its review of the use of DNA in criminal investigations. The review should be finished by the end of the year. The committee would study the NSW system where convicted offenders apply to the DNA panel for a review of their cases if certain criteria are met.
7. "Man sentenced to 36 years for rapes, kidnapping, robbery." The Associated Press State & Local Wire, June 22, 2002.  
In Tucson, Arizona, a man who raped 10 women and who was featured on "America's Most Wanted" has been sentenced to 36 years in prison. He pleaded guilty in April to kidnapping, robbery and four counts of sexual assault. Police linked the man to several crime scenes using DNA samples collected from cigarette butts found at crime scenes.
8. "Larry Long selected for Republican Attorney General nominee." The Associated Press State & Local Wire, June 22, 2002.  
The campaign platform of the Republican nominee for Attorney General of South Dakota includes improving law enforcement by extending DNA testing to all convicted felons.
9. "'Bickering' states cop blame for DNA delay." Courier Mail, June 22, 2002.  
In Australia, the man who helped establish the first national DNA database, CrimTrac, said bickering between states was responsible for the two-year delay in getting the system up and running. Australia's failure to get the initiative operating nationally was allowing dangerous criminals and serial offenders to cross state borders and avoid detection. He blamed the delay on the refusal of states to co-operate with each other and the strong civil libertarian movement that was promoting the rights of criminals over victims. "It will take some high profile murders of children or elderly to get the politicians and the public to support the changes," Mr Napper said.
10. "Prisoner sampling stays." Courier Mail, June 22, 2002.  
In Queensland, DNA samples will continue to be collected from all prisoners convicted of indictable offences, under legislation passed by State Parliament. Some prisoners had challenged the law, arguing that they should not have their DNA samples taken because they were convicted summarily in a Magistrate's Court rather than the District or Supreme Court. The Queensland Court of Appeal had dismissed their claims, but the case has been appealed to the High Court. The Police Powers and Responsibilities Amendment Bill 2002, passed with the support of the Opposition, will ensure DNA samples can be collected and retained from all people convicted of indictable offences, no matter which court hears the case.
11. "At The Assembly - Health budget cuts create confusion." The Providence Journal-Bulletin, June 22, 2002.  
In Rhode Island, a key lawmaker and a top official of the Governor's administration said it was never their intent to stop the Health Department from conducting DNA tests to match suspects with crime-scene evidence. The "misunderstanding" appears to have emanated from a legislative "intent letter" that state Health Director cited, and then refused to make public on grounds it was a "working paper." There is remaining confusion over

how much money the legislature cut from the forensics budgets and whether certain bioterrorism funding can be used to supplant or backfill DNA testing.

12. "Man Indicted In Attendant's Death." Albuquerque Journal, June 21, 2002.  
In New Mexico, a man has been indicted on charges of murder, kidnapping, and aggravated burglary thanks to a cold hit on the state's offender DNA database. The defendant, who is serving time at the state prison for aggravated assault, had DNA taken from him as standard procedure when he entered the corrections system in September 2000. He was scheduled for release July 25.
13. "Rapist who fought sex offender registry law convicted again." The Associated Press State & Local Wire, June 21, 2002.  
In Louisiana, a jury found a convicted rapist who once challenged the state's sex offender registration law guilty of raping again. The man's fingerprints and DNA were found at the location of the attack and he was quickly arrested. After his first rape conviction, the man launched a legal battle from prison to fight the sex offender registration law, claiming he should not have to notify his neighbors of his prior conviction because it came two years before the law was enacted.
14. "Kearney officials want to know if same man is assaulting women elsewhere." The Associated Press State & Local Wire, June 21, 2002.  
In Nebraska, three sexual assaults have been linked to the same person by using DNA.
15. "Key Tips To Solve Murders." Daily Post (Liverpool), June 21, 2002.  
Police chiefs from Shanghai who are visiting their sister city of Liverpool, England, were said to be "keen to discover how the use of DNA can be effective during murder investigations."
16. "Trapped by the teeth." Daily Mail (London), June 21, 2002.  
In London, a "raider" who fled after crashing his car during a high speed police chase left a vital piece of evidence behind. In the wreckage officers found a set of dentures. The perpetrator, whose teeth had flown out on impact, managed to run away from the scene with his accomplice. But police matched DNA on the dentures to samples given by the man when he had been held for previous offences, and arrested him.
17. "DNA clue to name crime suspects." The Times (London), June 21, 2002.  
Britain's forensic science chief has predicted that DNA will soon give police a surname for crime suspects. Home Office scientists hope to develop research based on the Y chromosome which links males of the same bloodline stretching back into history. Research has found that men with the same surname, even those with no apparent family ties, often have distinctively similar sections of DNA. A databank of surnames and DNA similarities is predicted to exist in three to five years.
18. "State will stop DNA testing, due to budget cuts." The Associated Press State & Local Wire, June 20, 2002.  
In Rhode Island, the state Forensics Laboratory has announced that will no longer analyze DNA samples or provide expert testimony in rape and murder cases, due to budget cuts enacted by the General Assembly. A spending cut of about \$2 million is causing the Department of Health to reduce workload at the Forensics Laboratory and reassign three of its five scientists. Lawmakers specifically cut \$100,000 from the lab.
19. "Stamp lick jails trafficker." Northern Territory News, June 20, 2002.  
In Australia's Northern Territory, a DNA saliva sample from the back of a stamp was part of the evidence used to convict a woman of trafficking drugs. The woman had apparently mailed methamphetamine from the Phillipines to several addresses in Australia. The letters were intercepted by Customs.
20. "Head of forensic sciences department leaving for Georgia." The Associated Press State & Local Wire, June 19, 2002.  
The director of the Alabama Department of Forensic Sciences Dr. James C. Upshaw Downs is resigning to become medical examiner in Savannah, Georgia. Downs' resignation came within days after he notified law enforcement officials of cutbacks the department is planning to take Oct. 1 due to a budget shortage of \$2.2 million. The proposed cutbacks include closing regional labs, reducing staff and discontinuing transporting bodies to crime labs. Downs said he had been considering a job change before the budget problems, but they

"made a difficult decision easier." He said Georgia provides steady support for its forensics sciences program. "Alabama simply doesn't do that. The Legislature hasn't found a way to adequately and consistently fund forensic sciences," Downs said.

21. "Police create linked national DNA data." The Prague Post, June 19, 2002.  
In the Czech Republic, a national DNA database for criminal investigations, which police say will help them fight crime, has raised concerns among civil liberties watchdogs, who fear the network could lead to serious breaches of privacy. As a result of budget constraints, police currently test samples from suspects only in cases in which there is already forensic evidence to compare with it. But along with the facility upgrades comes the goal of taking DNA - the genetic blueprint contained in all human cells - from everyone accused of a crime, ranging from the most minor violations to homicide.
22. "DNA brings arrest in '83 killing." Sacramento Bee, June 19, 2002.  
Article covers several successes of the California \$50 million three-year grant offered by the Governor's Office of Criminal Justice Planning in 2000 that gives counties as much as \$7,000 for each DNA profile that produces a match. Several counties used this money successfully to solve old crimes, including a 1983 rape and murder. In another case, a man was arrested while awaiting sentencing for failing to register as a sex offender after the DNA databank linked him to the crime. Since the grant started, California authorities have identified 37 suspects by re-examining old evidence with new technology.
23. "Bail denied in 2 North Chicago killings." Chicago Tribune, June 19, 2002.  
In Chicago, a man who initially offered to help police solve the case of two women who were strangled is being held without bail after DNA evidence linked him to the crimes. The man had previous convictions for aggravated criminal sexual assault, had been held at the jail facility for several months on a parole violation charge that stemmed from battery and trespassing.
24. "National DNA Index System Reaches 1 Million Profiles." State News Service, June 14, 2002.  
"The FBI laboratory announced a major milestone in its mission to facilitate the investigation of violent crimes by the sharing of information between law enforcement agencies," the Department of Justice said in a press release. "On June 12, 2002, the Florida Department of Law Enforcement contributed the one millionth DNA profile to the National DNA Index System, known as NDIS...The FBI acknowledges the excellent cooperation of the criminal justice community, especially the participating laboratories and their staff who are responsible for the success of this program, which has been instrumental in solving some of the most heinous serial violent crimes."

#### Genetic Privacy / Research

25. "WHO: Genome research could save millions in developing world." Medical Letter on the CDC and FDA, June 30, 2002.  
Genetic research has the potential to lead to major medical advances within the coming years against such killer diseases as malaria, tuberculosis and HIV/AIDS, potentially saving millions of lives, especially in the developing world, the World Health Organization (WHO) said in a major new report on the impact of genomics.
26. "Jurors Fine Genentech \$200 Million." Los Angeles Times, June 25, 2002.  
A jury has ordered Genentech Inc. to pay City of Hope National Medical Center \$200 million in punitive damages for betraying its trust with the renowned cancer hospital. This decision comes one week after jurors ordered Genentech to pay \$300.2 million in compensatory damages to City of Hope for withholding royalties from the Duarte medical center.
27. "Slovak president refuses to sign personal data protection bill." BBC Monitoring Worldwide, June 24, 2002.  
The Slovakia President has refused to sign a personal data protection bill that was intended to strengthen the protection of rights and freedoms of individuals when their personal data is processed. It regulates the processing of biometrics personal data including fingerprints and DNA analysis and their listing in special personal data categories

28. “Committee says 'no' to cloning, 'yes' to embryonic stem cell research.” Channel NewsAsia, June 21, 2002. Singapore’s Biotech Advisory Committee gave a definite "no" to cloning another human being, but "yes" to using stem cells from embryos for research.

#### Paternity

29. “Dads' cleared by DNA fight 'paternity fraud'.” The Washington Times, June 22, 2002. Discusses “paternity fraud” and the new Georgia law allowing challenges to child support orders based on DNA tests.