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The August 16, 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

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STATE LEGISLATION

Agriculture

1. Oregon Ballot Measure 11 – Requires labeling of genetically engineered foods.

NEWS ARTICLES

1. “Police Commission to Review Space Allocation in Crime Lab.” Los Angeles Times, August 14, 2002.
The Los Angeles Police Commission entered the debate over how much space to devote to analyzing DNA in a new state-of-the-art crime lab. For months, the District Attorney has publicly urged the LAPD to expand the DNA testing section of its share of the lab. The commission action follows revelations that the LAPD has mistakenly destroyed evidence from 1,000 rape investigations. The DA has argued that the LAPD needs to double the 12,528 square feet of space it plans to devote to DNA analysis. That would accommodate only 25 DNA criminalists, about 15 less than are needed.
2. “DNA gives up suspect.” Northern Territory News, August 14, 2002.
In Australia’s Northern Territory, through Operation Genesweep, which is examining a backlog of exhibits for DNA and fingerprints, more than 100 people have been arrested or summonsed to court for 398 offences since the operation began in June. Only nine criminals are still left on a police hit list.
3. “Judge orders DNA testing for 1986 rape conviction.” The Associated Press State & Local Wire, August 13, 2002.
In Missouri, St. Louis' prosecutor said she is appealing a judge's call for DNA testing for an inmate serving life behind bars in the 1986 rape and robbery of a deaf woman. In challenging the Circuit Judge's order for testing, the Circuit Attorney said even a negative DNA result in the case would be inconclusive. The prosecutor’s office said failure to find semen would not necessarily exonerate the inmate, and presence of another man's semen might only mean the victim had consensual sex earlier with someone else.
4. “FDLE paying for retest of former Orlando crime lab analyst's work.” The Associated Press State & Local Wire, August 13, 2002.
The Florida Department of Law Enforcement said it will pay to retest DNA handled by a former crime lab analyst who was caught switching samples and altering data in an Orlando lab. The commitment by the FDLE could cost the state hundreds of thousands of dollars to retest more than 100 cases handled by the analyst.
5. “Suspect unknown, but DNA allows charge.” The Associated Press State & Local Wire, August 13, 2002.
In Pierce County, Washington, prosecutors have filed charges against a "John Doe" in the kidnapping and rape of an 11-year-old girl more than two years ago. The statute of limitations in Washington for kidnapping is 10 years, but Washington law allows prosecutors to file charges against an unnamed suspect when they have a genetic profile.
6. “DNA links Nebraska inmate to rape case through national database.” The Associated Press State & Local Wire, August 13, 2002.

A Nebraska inmate has been linked to a rape case in Ohio through a national DNA database, the Nebraska State Patrol says. It is the first national match made by State Patrol crime lab since it began conducting DNA analysis in December 2000. The inmate is currently serving a 95- to 135-year sentence for several crimes, including a sexual assault conviction.

7. "Forthcoming arrest in old murder case aided by DNA." Sacramento Bee, August 13, 2002.
In Sacramento, California, an arrest is forthcoming in a 1978 murder case thanks to DNA technology. The man is currently serving a life sentence for another local murder. The arrest would be the third in Sacramento County based on DNA evidence since 2000 when the Governor's Officer of Criminal Justice Planning offered counties as much as \$7,000 for each DNA profile matched to unsolved crimes. Statewide, authorities have identified nearly 40 suspects by re-examining old evidence with new technology.
8. "DNA holds key to real killers." The Star (Sheffield), August 13, 2002.
A Spanish couple is hoping that DNA testing will clear them of the murder of an English woman in her home in Spain. Testing is being carried out on hairs found clasped in the dead woman's hand.
9. "Judge rules against death row inmate." The Associated Press State & Local Wire, August 12, 2002.
An Arkansas judge has rejected a death row inmate's request for a new trial, saying that, contrary to the inmate's argument, DNA testing was available at the time of his previous trials. In both his 1994 and 1997 trials, DNA was used to identify the inmate as the assailant, the judge said.
10. "Police bring DNA science to streets to catch muggers." The Daily Telegraph (London), August 12, 2002.
In England, twice as many muggings are being solved by police trained to preserve potential DNA clues, overturning the traditional view that street crime scenes have little forensic value. Local police have tackled increasing levels of robbery by diverting a small number of officers from traffic and armed protection duties to street crime after giving them extra forensic training. The police chiefs have agreed to pay higher rates to forensic science analysts to obtain the results of street crime DNA tests within days, rather than weeks. From April to the end of June, of a total of 61 samples sent for testing, analysis was completed on 51. Those 51 samples taken from the scene of muggings produced 31 DNA profiles, a hit rate of 66 per cent - higher than the DNA yield from burglary or car crime. Of the 31 DNA profiles, 15 matched known offenders on the police DNA database.
11. "Vic: Libs pledge to boost DNA testing." AAP Newsfeed, August 11, 2002.
In Australia, the Victorian Liberal Party continued its tough-on-crime pitch with a pledge to boost DNA testing funds by \$28 million if elected. A massive backlog of cases means DNA samples taken from a burglary scene might not be analyzed for 18 months at current funding levels. DNA sample tests would be increased from 300 to 1,500 a week, and the number of people working on the tests would increase from 19 to 60.
12. "State police plan to use grant to reduce backlog for DNA tests." The Associated Press State & Local Wire, August 11, 2002.
The Maine State Police is planning to use a federal grant to reduce the backlog of 150 pending cases where DNA testing is needed. The \$375,554 grant from the U.S. Department of Justice is earmarked for cases in which investigators have no suspects but have gathered evidence that requires DNA testing. The state's current backlog of cases is the largest in the lab's five-year history. Results currently take two to six months for crimes against people and up to one year for property crimes. The lab would like to reduce the wait to 30 days. The Justice Department grant will allow the lab to pay 12 scientists to work six hours of overtime each week for the next year. The lab will also be able to hire a new DNA analyst and an administrative assistant, and buy new equipment.
13. "State Police lab doubling DNA unit." The Indianapolis Star, August 11, 2002.
The Indiana State Police lab division is poised to more than double its DNA unit to handle the ever-growing demand for scientific crime analysis. An infusion of funds from state and possibly federal sources means the logjam may be broken sooner than the three- to four-year time frame expected earlier. The lab received \$1 million from state coffers this year after lawmakers in the spring-earmarked part of an existing Bureau of Motor Vehicles fee for the crime lab. The fee is expected to net the lab about \$12.23 million over four years.
14. "DNA Test Clears Man Charged in Rape Case." Los Angeles Times, August 11, 2002.

In California, prosecutors have dropped all charges against an 18 year-old high school graduate after DNA test results proved that he did not rape a 94-year-old woman.

15. "No La. database exists for DNA comparisons in slaying investigations." The Advocate (Baton Rouge, LA), August 9, 2002.
Louisiana has no DNA database to check evidence against in criminal investigations, according to the State Police. The state has 15,000 unanalyzed DNA samples and 2,000 analyzed samples, but at this point all comparisons have to be done by hand. However, State Police will begin uploading local samples to the federal DNA database, called CODIS, next week and will submit samples to that database regularly after that.
16. "Cigarette butt leads to arrest in jewelry heist." The Associated Press State & Local Wire, August 9, 2002.
In Maine, a cigarette butt left behind at the scene of the crime led to an arrest in a \$50,000 jewelry heist from a jewelry store. DNA from the cigarette butt matched a DNA sample in a national database. The suspect has prior convictions for two burglaries in Maine, and a criminal record in New Hampshire and Massachusetts.
17. "NSW DNA database should be administered independently: scientist." AAP Newsfeed, August 8, 2002.
A scientist in Melbourne Australia has suggested that a national DNA database administered by an independent authority would protect civil liberties while deterring would-be criminals. In an article published in the journal Nature, Professor of molecular genetics at Melbourne University Bob Williamson calls for such a database to be set up using DNA samples taken from every Australian. "Why are we not testing everyone at birth, or at school, or when registering to vote or acquiring a driving license?" he asks in his article. However, in a telephone interview today he said a more realistic approach would be an opt-in system where people could provide mouth swabs once they had entered their teens or early adulthood.
18. "Murkowski gets tough." Anchorage Daily News, August 8, 2002.
US Senator Frank Murkowski, who is running for Governor of Alaska, has called for a clearing of the backlog of work at the state crime lab, which he called "under-funded, understaffed."
19. "Report: DNA database of suspects draws support, criticism." The Associated Press State & Local Wire, August 8, 2002.
Ohio's DNA database includes DNA analysis collected from more than 1,020 people who were excluded as suspects in offenses such as homicide, rape and burglary. A local newspaper reported that some people who willingly gave up samples of their DNA were not told their profiles would be kept and compared against evidence in future crimes. In recent months, the state agency has suggested that police agencies use a model consent form that instructs the DNA donor that their sample would be entered into a database to be used for "any other investigation or any legitimate law enforcement purpose."
20. "Missing children advocate says ID taking too long." The Associated Press State & Local Wire, August 8, 2002.
The FBI laboratory that tests for DNA is taking too long to give results in a New Mexico disappearance case, according to an advocate for missing children. Thus far, it has been about two months, and the lab has not issued a report. "Our DNA lab is always swamped," FBI spokesman Paul Bresson said. "There is a great demand for work to be done."
21. "DNA ties one person to killings of girl, two women in East End." The Houston Chronicle, August 7, 2002.
In Houston, Texas, DNA evidence has confirmed that least one person is responsible for three sexual attacks that have left two women and a 15-year-old girl shot to death.
22. "MA: O'Brien Unveils Crime Plan." The Bulletin's Frontrunner, August 6, 2002.
In Massachusetts, the Republican candidate for Governor is calling for "improving the state's data bank of DNA information" as part of her campaign platform.
23. "DNA matches men to unsolved cases." Topeka Capital Journal, August 3, 2002.
The Kansas DNA database has confirmed that three men convicted of crimes committed in Kansas matches DNA evidence from three unsolved rapes. DNA evidence linked each of the men to one of three rapes, which were unrelated to each other. The rapes victimized a woman in Ohio, a woman in eastern Kansas and a child in Kansas City, Mo. The men's DNA had been stored in a KBI databank after they were convicted of crimes committed in Kansas. Last May a state law took effect requiring the KBI to collect DNA samples from anyone

convicted of any felony --- as well as about seven misdemeanors, most of them sex crimes.

24. "Improved crime lab sought for Ozarks." Springfield News-Leader, August 1, 2002.
In Missouri, the state lab carries a 3,000-case backlog. The future only looks more grim because the lab lost three criminologists out of 40 in the past 30 days, one of them specializing in DNA. The worst-case scenario for the wait on results has gone up from 12 to 15 months. "The state crime lab is bleeding, it's hemorrhaging," said Moore. "You have to stop that. ... We should be able to get DNA tests in just a few days, not 13, 14, 15 months." Greene County and the city of Springfield plan a meeting soon to discuss the possibility of getting a regional lab established.
25. "Testing all felons is money well-spent." USA Today, August 1, 2002.
"Our view: Cost, privacy arguments don't hold up for 27 states that fall short... State legislatures typically cite two reasons for resisting across-the-board testing of felons: cost and privacy rights. Both prompted California legislators to reject a plan this spring to extend testing beyond violent criminals and burglars. But neither concern is valid."
26. "Much potential for abuse." USA Today, August 1, 2002.
"Opposing view: A temporary, not permanent, database on felons is enough for now... To prevent the misuse of a DNA databank, the government should destroy a biological sample once it is sufficiently analyzed to produce a unique identification code for the person who submitted it. That's enough for reasonable crime solving while steering clear of insidious crime prediction."
27. "Bolivar Co. sheriff complains about fee to analyze evidence." The Associated Press State & Local Wire, July 31, 2002.
In Mississippi, some law enforcement officials in the Delta are complaining about the \$50 fee the state Crime Lab charges to process basic evidence, he said, with DNA testing costing agencies a little more.
"It's ridiculous for a state agency to charge us for anything," Bolivar County Sheriff H.M. Grimmatt recently said during a board of supervisors meeting. "We have to have this evidence processed before we can ever go to trial." Ken Winter, director of the state's four crime labs, said the charge for the services is allowed by law. He said the fee doesn't come close to covering the approximate cost of analyzing evidence at the lab. "Fifty dollars is nothing compared to what it costs us," he said. "I'll do whatever the Legislature tells me to do."
28. "Case is state's oldest solved using DNA." The Olympian, July 31, 2002.
In Washington, a 1973 murder is the oldest case in the state solved with DNA evidence. A Thurston County Superior Court jury has convicted a man of raping and murdering the 14-year-old 28 years ago. "We never could have made the case without (the DNA) because he was never going to admit it," said an investigator. Other agencies are looking at their old case lists and sending evidence to State Patrol crime labs.
29. "DNA links burglar to UT rapes." The Tennessean (Nashville, TN), July 28, 2002.
DNA evidence has linked a man recently convicted of breaking into homes in Williamson County to a series of rapes that terrorized the University of Tennessee campus in Knoxville during the spring semester of 1997, The Tennessean has learned. The breakthrough, which will be announced tomorrow, is the latest in a string of 41 "cold cases" solved since February, when a new Tennessee Bureau of Investigation database became active, matching DNA samples here and nationwide.

Genetic Privacy

30. "DNA bid to prove indigenous blood." The Australian, August 13, 2002.
In Australia, at least 20 Tasmanians caught in a bitter row over their Aboriginality have paid for DNA tests to try and prove conclusively they are indigenous. The 20 were among 1100 Tasmanians who have had their Aboriginality questioned by other Aborigines after attempting to join the nation's first indigenous electoral roll.
31. "Latvia Hopes For Cooperation With Iceland In Genome Research." Baltic News Service, August 13, 2002.
The Latvian Biomedical Research Center, planning to launch the Latvian genome program next year, hopes for cooperation with the world's leading genome research company, Iceland's deCODE genetik. The Latvian parliament this June passed the bill on human genome research which will serve as the basis for development of

genetic information system of Latvia's population. Under the law, the national human genome register is to be set up to facilitate formation of the national general medical information system in the electronic format.

32. "Company that provided DNA for man-made polio virus says oversight needed." Bio-Terrorism.Info, August 12, 2002.

The Iowa company that unknowingly supplied bits of genetic material used by scientists to make their own polio virus from scratch said it had recently asked the government to take steps to oversee the shipment of such DNA supplies. The fear is that a terrorist or government might attack by spreading a harmful virus or deadly bacteria. Most of the concern so far has focused on security at labs that have supplies of germs or on finding treatments or vaccines to thwart such an attack.

33. "Duo gets grant for research." The Dallas Morning News, August 11, 2002.

A four-year, \$ 1.2 million grant will help support two University of Texas professors' work on a DNA project that could have broad implications in human gene therapy. The mathematics and biophysics researchers are trying to find out how DNA becomes tangled in knots, a process known as binding.

34. "DNA To Help Build Worldwide Genealogy Database." The Richmond-Times Dispatch, August 7, 2002.

An international genealogy study aims to change that. The Molecular Genealogy Research Group of Brigham Young University is sponsoring a study that will attempt to trace family trees based on genetic information. The study's main goal is to create a worldwide genealogical database that can be used to trace family lines when written records aren't available. The study aims to link relatives based on DNA - not just on names, written records and oral history as in previous genealogical studies. Genetic information is discrete for individuals.

Paternity

35. "Committee reaches compromise on child support bill." Copley News Service, August 13, 2002.

California's Senate Judiciary Committee has approved a legislative compromise that would allow men to challenge child-support orders in limited circumstances. In all cases, they must be armed with DNA tests that prove they did not father the child. Once broadly written to offer a range of new rights for men to challenge paternity, the measure has been narrowed to apply only in those cases of court-ordered "default judgments." Those cases occur when the alleged father does not appear in court.

CONGRESSIONAL RECORD

1. House of Representatives – Rep. Jackson-Lee's introductory remarks on "Stop The Violent Offenders Against Children DNA Act Of 2002."
2. House of Representatives -- Rep. Jackson-Lee's introductory remarks on "Stop The Violent Offenders Against Children DNA Act Of 2002."
3. Senate – Sen. Hatch's introductory remarks on a post conviction DNA testing bill (S. 2739).