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The September 6, 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

Challenges to the collection of DNA from federal prisoners are beginning to surface. Cold hits on DNA databases made headlines in Texas, South Carolina, New Mexico, and Ohio. DNA on a dead pet has solved a murder in Texas. A new method of DNA testing (SNP) may help identify more of the victims from the World Trade Center.

Alabama's crime lab is still looking for funding to cover a significant budget shortfall, and local jurisdictions in Illinois and Texas are considering how to pay collection costs of taking DNA from felons in jail. Backlogs in Massachusetts and Fort Worth, Texas were covered in the local media.

Post conviction testing cases made the news in Texas and Michigan case has politicians calling for more DNA testing funds and personnel. Canadian authorities are appealing for testing in a Missouri post conviction case.

In international news...An Australian state has expanded its DNA database authority to include certain offenders who are not sentenced to jail time. A challenge to breath tests in Scotland could have implications for DNA testing. A political party in South Africa criticized the current regime for underfunding forensic sciences and creating backlogs. DNA evidence may be pivotal in solving crimes in Italy (a bombing) and Thailand (murder/robbery). England is still debating a loosening of the double jeopardy law.

NEWS ARTICLES

1. "Police DNA Powers Raise Concern." The Age (Melbourne), September 4, 2002.
In Australia, The Victorian Criminal Justice Coalition and the state's Privacy Commissioner have expressed concern over new police powers to take DNA samples from convicted criminals. Police are preparing to order nearly 4000 convicted criminals, including people who were not jailed and those whose sentences had been served, to provide DNA samples or face arrest. But the Criminal Justice Coalition has said that such a collection would be a massive and unwarranted infringement of privacy.
2. "Police say pet helped to solve murder." The Dallas Morning News, September 4, 2002.
In Dallas, Texas, DNA found on the bloody beak of the dead cockatoo provided the key evidence to put a suspect at the murder scene, which prompted a confession. Tests found that victim had been bound, beaten and stabbed multiple times. The cockatoo was missing a leg and died from a stab wound to the back. The prosecutor reported, "Bird died valiantly. There were feathers scattered through the house, and he put up a fight, no doubt about that. Kevin's family and co-workers have told me that you just didn't mess with Kevin while that bird was around."
3. "Congressional members want to establish Amber alert system nationwide." The Orange County Register, September 4, 2002.
A bill in Congress to establish the Amber alert system nationwide would create a position of a national coordinator, based in the Department of Justice, to expand the network and coordinate region-wide alerts. Among other tools, the coordinator would have access to the FBI's Combined DNA Access System.
4. "Debate over privacy, baby's death divides small Iowa town." The Associated Press, September 4, 2002.
In Storm Lake Iowa, the sheriff's office turned to the local doctors and nurses in an effort to identify a dead baby or establish the cause of death (which was particularly gruesome). Two area offices and the hospital provided investigators with the names of expectant mothers who could not be accounted for. Yet when deputies

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showed up with a subpoena for the names and addresses of women who had undergone pregnancy tests, Planned Parenthood said no. The organization, which claims that doing so would violate the privacy of the women, appealed to the Iowa Supreme Court. On Friday, the high court agreed to hear the case.

5. "Lawyer for death row inmates says DNA test law not working." The Associated Press State & Local Wire, September 3, 2002.
In Texas, the attorney for a man about to be executed is fighting for a DNA test he says could exonerate the inmate. The test, which was blocked by a state court, should be allowed under a law passed in 2001 that gives certain inmates access to post-conviction DNA testing, said the lawyer. Prosecutors said the test does not meet the rules in the law because it would not clear the inmate of the 13-year-old crime. The DA's office says that there was substantial evidence, including genetic testing and a confession, that proves the man's guilt. Since April 2001, 36 DNA tests have been granted to convicts - 10 of them having results favorable to the inmate.
6. "DNA test loophole amended." The Australian, September 3, 2002.
In Victoria, Australia, criminals convicted of serious offences but not jailed have been added to the list of offenders who must submit DNA for testing or face arrest and jail until they submit. If they still refuse, a DNA sample will be forcibly taken from them by a nurse while they are held down by a specially trained "cell extraction" squad.
7. "DNA matches revive old cases for local police." Corpus-Christi Caller Times, September 3, 2002.
Article discusses Texas laws requiring DNA from convicted felons for the state database, and some of the crimes the database has been instrumental in solving. However, at least one local jurisdiction jail isn't taking DNA samples from felons sentenced to its jail because of the expense of additional staff and equipment to collect the samples.
8. "Wildcat bomber strikes again in Italy." Deutsche Presse-Agentur, September 3, 2002.
A serial bomber has plunged Italy into panic after injuring a five-year-old boy with an explosive device concealed inside a soap bubble container. "We have a sample of his DNA," the magistrate in charge of the investigation. "It's just a matter of matching the sample with the right person. We will need a bit of luck, but we will find him."
9. "PM wants better visa screening." The Nation (Thailand), September 3, 2002.
In Thailand, the Prime Minister ordered immigration authorities to improve their screening of arriving tourists as police continued to hunt for a fourth suspect involved in a deadly bank robbery allegedly carried out by a Russian gang. Police said they were carrying out DNA tests on blood found at the crime scene to see if it matched that of one of the suspects who was shot in the leg.
10. "Victim's call reopens trail to serial rapist." The Associated Press State & Local Wire, September 2, 2002.
In Dallas, Texas, three positive DNA matches on unsolved rapes from the 1980's and early 1990's, the striking consistencies of 20 other unsolved rapes, police say they have now conclusively linked the attacks to one of the most prolific rapists ever to stalk the city. The prime suspect was charged with seven rapes between 1989 and 1992, but police now believe that he was at work as early as 1985. The time limit has expired to prosecute the man for many of those crimes, but he is already serving four life sentences, which will keep him in prison for at least 50 years. At the time of his last arrest, the man was on parole for a series of similar break-ins and attacks in 1969. He received a 99-year prison sentence in 1973, but state law at the time allowed him to be paroled in 1983 at age 38.
11. "Terrorism poses challenge for state's new top cop." The Boston Herald, September 2, 2002.
The new head of the Massachusetts State has inherited a "beleaguered" crime lab, which is so swamped with DNA testing that DAs can submit only a limited number of cases. The director is working with the DAs on a proposal to expand the crime lab, which now occupies a former school house. "DNA (testing) is being looked for in every case," he said. "We have been working with the DAs and something we are going to be pushing for very soon is to take a decent-size building and renovate or have a new crime lab facility. The quality of the work is there, it's just handling the quantity."
12. "Analysis: Plan To Scrap Double Jeopardy Law Has Provoked Civil Rights Protests." The Independent (London), September 2, 2002.

Plans scrap the law of double jeopardy caused outrage among lawyers and civil rights campaigners when they were announced by David Blunkett. But among the police the mood was of quiet satisfaction that the 800-year-old piece of legislation that prevents a person from being tried twice for the same crime was being repealed, allowing them a second chance to convict suspects they were sure had cheated justice. The proposed changes will only affect serious crimes, such as murder, manslaughter, rape, and armed robbery, but could result in about 35 cases being revisited each year. The Home Secretary has built in safeguards which include allowing retrials only where "compelling" new evidence, such as DNA, has been discovered.

13. "Actions last week at the Capitol." The Associated Press State & Local Wire, September 1, 2002.
In Michigan, the reversal of a man's conviction for rape and murder based on new DNA evidence led some lawmakers Tuesday to call for more funding and personnel for DNA analysis as scores of convicted criminals challenge their verdicts.
14. "Searches for money to prevent forensic science cuts." The Associated Press State & Local Wire, September 1, 2002.
State officials have found at least \$1.2 million to help bail out the struggling Alabama Department of Forensics Science, where funding problems are threatening to delay criminal trials for up to two years. The Department is facing a projected \$2.2 million budget shortfall for the fiscal year that begins Oct. 1. The governor said he hopes the additional money will stop or delay some spending cuts planned by the department, which processes evidence from crime scenes for Alabama law enforcement agencies.
15. "DNA data net arrest in S.C. case." The Myrtle Beach Sun-News, August 31, 2002.
In South Carolina, investigators have solved a 2-year-old murder case with the help of the state's DNA database. Investigators got their breakthrough when the database matched found on victim's body to a Georgia prison inmate "We've had other hits, but this is the most significant in that we are able to close out a murder and rape investigation. The suspect violated probation for stealing and was arrested in May by Georgia authorities. His blood sample was entered into the database two weeks ago.
16. "Ed Huffine of the International Commission on Missing Persons and Eric Stover of the University of California at Berkeley discuss forensic accounting in the former Yugoslavia." National Public Radio (Weekend Edition Saturday), August 31, 2002.
With 40,000 people missing across three nations, the ICMP has developed a unified DNA-led identification system. One of the reasons that DNA is being used on such a large scale in the former Yugoslavia is that there are--approximately 7,000 bodies have been recovered that cannot be identified without DNA testing. And to date, the ICMP has collected more than 32,000 blood samples throughout the region.
17. "DNA from prisoners, parolees collected." The San Diego Union-Tribune, August 31, 2002.
Around the US, prison and probation officials have begun collecting DNA samples from people convicted of federal crimes, renewing a national debate over whether the gathering of DNA evidence infringes on privacy rights. In San Diego, federal authorities have accused a bank robber of violating the terms of his release by refusing to submit his DNA. It's the first such prosecution in San Diego County and one of only a few in the nation. In the San Diego case, defense attorneys have offered several arguments against the law, including that Congress did not clearly state that the law should apply to offenders who were convicted before the law existed and therefore the collection constitutes unreasonable search and seizure.
18. "Boffins To Join Crime Fight." Derby Evening Telegraph, August 30, 2002.
In England, forensic scientists are to be used to tackle a range of crimes following an expansion of Derbyshire police's DNA testing program. Home Office funding has allowed the force to take on six new support staff who will help officers examine stolen vehicles. Seven other staff have been appointed to administrative roles, including a forensic trainer who will teach staff about new and developing techniques. The staff working with auto crime officers hope to build up profiles of those convicted of car thefts and match their DNA against recovered vehicles.
19. "Database price tag raises eyebrows in Kane." Chicago Tribune, August 30, 2002.
In Illinois, some Kane County officials were surprised to learn of their responsibility in paying for the collection of more than 1,000 blood samples a year to include all convicted felons in the state's DNA offender database. The Illinois State Police are still working out the details of implementing the law, which

took effect last week. Depending on how local authorities collect DNA samples, the county's criminal justice system could face "thousands of dollars" in added expenses.

20. "DNA links suspect to rape of 92-year-old." Albuquerque Tribune, August 29, 2002.
In New Mexico, a match in the national DNA database has enabled Albuquerque police to make an arrest in the case of a 92-year-old woman who said she was repeatedly raped in a local nursing home. Evidence from the crime scene was matched in the database to a felon in Washington State's database.
21. "DNA evidence leads to charges in 1978 slaying." The Associated Press State & Local Wire, August 29, 2002.
In Ohio, a grand jury has indicted a man in a 1978 murder case, thanks to a cold hit on the state DNA database. DNA from blood found in the victim's home was sent to the Ohio Bureau of Criminal Identification and Investigation. The blood matched a sample taken from man while he was in jail on other charges for a 1999 case in Florida.
22. "Aftermath Of Terror; New Test to Help Identify Remains of Sept. 11 Victims." The Wall Street Journal, August 29, 2002.
Almost all the recent identifications of World Trade Center victims have relied on genetic tests that compare DNA from tissue recovered after the attack with DNA extracted from personal objects or close relatives. With conventional DNA testing methods now failing due to the minute amount of testable DNA materials, the Medical Examiner's Office is working with a new DNA testing technique developed by Orchid Biosciences which analyzes SNPs. A board of independent experts advising the medical examiner's office will make a nonbinding recommendation on whether to use the new test on Sept. 9.
23. "South Africa; Massive DNA Backlog Hampers Justice – DA." Africa News, August 28, 2002.
In South Africa, the Democratic Alliance has said that at least 11500 criminal cases are being held up due to a four-month backlog of samples for analysis at the police national Forensic Science Laboratory in Pretoria. Of the 11500 backlogged samples, 8000 were in the cold rooms of the biology unit, being blood, semen and other bodily fluid samples. These had to undergo initial analysis, and once confirmed, were stored until prosecutors and/or investigating officers requested full DNA testing. Proposals by forensic experts to improve legislation, which would "literally have saved countless lives if implemented," had been ignored by government for three years. "While high-profile murders and economic crimes earn top priority and meticulous probing by South Africa's best forensic experts and most experienced detectives irrespective of the cost, cases involving 'ordinary' people that don't attract publicity receive attention according to available funds. In many cases, this means that DNA testing does not happen at all."
24. "Canadian government seeks DNA test for man serving rape sentence in Missouri." The Associated Press State & Local Wire, August 28, 2002.
The Canadian government is urging DNA testing for a Canadian citizen who has already spent 16 years in a US prison for a rape he claims he didn't commit. Canada's Department of Foreign Affairs has sent letters to St. Louis Circuit and Missouri Attorney General, asking both to honor the Circuit Judge's order for DNA testing in the case.
25. "Judges To Rule On Drink-Drive Test Case." The Express, August 28, 2002.
In Scotland, appeal judges are considering a driver's human rights challenge to breath test evidence which could throw the present drink-driving law into chaos. The man claims that being forced to blow into the tester breached the European Convention on Human Rights against self incrimination. The court's decision could also have a bearing on prosecutions which depend on suspects being asked to provide fingerprints or samples for DNA testing.
26. "Police urged to resolve backlog." Fort Worth Star Telegram, August 28, 2002.
In Fort Worth, Texas, the Police Chief said that he is dedicated to solving local unsolved murders, but that his department doesn't need a separate "cold case" unit to do it. Furthermore, he indicated he would not form such a unit, even if the City Council set aside money for it. The issue came before city leaders this summer when a group of residents called Citizens Against Unsolved Murders began asking for the creation of a special unit to review these deaths and help find their loved ones' killers. It could take more than five years to review the more than 600 unsolved cases in Fort Worth, if police review the expected 60 to 100

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cases a year. A proposal to add two biologists and a firearms examiner to the city's crime lab, is hoped to help speed up the process

Genetic Privacy

27. "Aboriginal centre slams DNA." The Mercury, Hobart, September 4, 2002.
In Australia, the Tasmanian Aboriginal Centre says DNA is not the way for Tasmanians to prove their Aboriginality. DNA testing for Aboriginality was halted after concerns on the part of people involved. "These people are not Aborigines and trying to prove such through DNA testing plainly demonstrates they have not lived as Aborigines. In the 1970s we had to fight to stop scientists treating us like animals and considering us in terms of our blood lines... We won that fight. Now the DNA testers and those who are going along with it are taking us back to the dark days."
28. "Brazil protecting its potential biological and genetic wealth." National Public Radio (Weekend Edition, Saturday), August 31, 2002.
"The government (of Brazil) is cracking down on what it calls bio piracy by foreign companies, but protection sometimes comes at a high price."
29. "Call to ease genetic data restrictions." Courier Mail, August 29, 2002.
Doctors would be allowed to release details of a patient's serious genetic illnesses to other family members without permission under a major overhaul of Australian privacy laws. Insurance companies would also maintain the right to some genetic information to help them price life and health assurance policies.

Paternity

30. "Sex, lies and DNA." Herald Sun, September 4, 2002.
"A DNA test may be a drastic step. It may cause enormous pain, not the least of which is a broken marriage. But the bottom line is that a man should have the right and the means to know whether he is the biological father. Yet, if the Australian Law Reform Commission has its way, such men would be branded criminals."
31. "Dismay Over DNA for Dads." Albuquerque Journal, August 31, 2002.
Author reports: "I called the New Mexico Child Support Enforcement Division and spoke with director Barry Bitzer. He reiterated that the majority of New Mexico's births are out of wedlock and that new federal laws pressure states to establish paternity at birth. To indulge the feds, hospitals get a \$10 "bounty" for a father's signature on a birth certificate, although many of these mothers, for sound reasons, do not want the father in their babies' lives. One parking attendant at a large Albuquerque hospital "fathered" 47 children during July. Suspicious hospital officials have suspended valet parking until further notice."
32. "Legislature sends Davis bill for DNA tests to prove paternity." The Associated Press State & Local Wire, August 31, 2002.
Men who believe they have been falsely named as a child's father through a default judgment could use DNA tests to contest those findings, under a California bill headed to the governor's desk.

Agriculture

33. Russia introduces mandatory marking of all food produced from genetically modified sources starting September 1.
34. When steers, sheep, goats and pigs walked out Thursday into the Antelope Valley (California) Fair's Jacqua Arena for auction, for the first time each one had its identity DNA-verified. The DNA tests made sure the young owners, or the owners' parents, hadn't made a last-minute switch if an animal wasn't looking like a champion.

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35. England's Department For The Environment, Food And Rural Affairs reports that the purity of the GM winter oil seed rape seed due for planting this autumn in the last round of the Government's program of Farm Scale Evaluations of GM crops has been confirmed by independent tests.
36. The United Nations and agricultural scientists from around the world launched a new organization at the Earth Summit, aiming to raise 260 million dollars to preserve the genetic diversity of the planet's plant life. The fund will provide the financial backing to expand gene banks where collections of seed or growing plants are stored as living libraries of genetic information.

Industry News

37. Researchers at the University of California at Santa Barbara (UCSB) report in the Proceedings of the National Academy of Sciences USA a new method for detecting DNA, which could transform medical diagnostics.
38. Notice from Japan's National Agricultural Research Center For Western Region of intent to procure a DNA and protein sequence analyzer.
39. DNA testing will become faster with a new method developed in connection with a Finnish thesis. The thesis reports on a faster, cheaper and more reliable way to carry out DNA testing. The results can reportedly be received in half an hour.
40. Money from a Toronto-based venture capital fund has helped launch a new business on the University of Saskatchewan campus that could lead to practical medical diagnostic tools coming out of a new DNA molecule.