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The March 28, 2003 DNA Resource Report is listed below.

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SUMMARY

Louisiana introduced another bill to expand the offender DNA database to include all convicted felons. A New York bill would allow fictitious name indictments based on DNA profiles and provides timelines for DNA testing. Cold hits on DNA databases identified suspects in New Hampshire (burglary), Florida (murder connected to Arkansas inmate), Washington (murder linked to New Mexico convict), and Maryland (rape), and linked two unsolved murders together – one in California, the other in Arkansas. DNA testing exonerated rape suspects in Illinois and South Carolina. Mitochondrial DNA testing is being challenged in a New Mexico case, and confirmed a suspect in North Dakota. A missing persons DNA program is underway in Texas.

Backlogs in Oregon, Mississippi, Idaho and local lab in Arizona were covered in the news, as was New York's relatively low backlog. Nebraska has joined the national database and is working through unknown suspect case backlogs. Problems at a local lab in Texas is resulting in over 500 cases being reviewed, and the state is removing DNA cases on the DNA database that were submitted by that lab. Washington State and an Arizona community are planning new labs, but face funding obstacles. Traffic fines in Arizona bring \$2 per ticket to the state DNA program.

Bills addressing post conviction DNA testing issues were introduced in Alabama, Delaware, Louisiana, Massachusetts, New York, and Texas. The New Jersey State Supreme court is allowing post conviction testing request.

In international news...Canada's Supreme Court is considering the first challenge to a law allowing search warrants for suspect DNA collection. A pilot project in England that gives a seven day turnaround time for DNA analysis has been very successful in bringing criminals justice swiftly.

STATE LEGISLATION

Forensic DNA

1. Alabama SB 275 -- Allows a defendant to seek post conviction DNA testing on evidence that was secured in relation to the trial which resulted in the conviction.
2. Delaware SB 38 – Extends the time for post conviction DNA testing motions to 2004. Current provision for such motions expired in 2002.
3. Louisiana HB 170 – Expands offender DNA database to include all felony convictions and arrests, as well as felony juvenile adjudications, and certain misdemeanors such as prostitution and soliciting prostitutes.

4. Louisiana SB 119 -- Creates the Louisiana Death Sentence Study Commission. Study issues to include procedures to ensure that persons sentenced to death have access to forensic evidence and modern testing of such evidence, including DNA testing, when such testing could result in new evidence of innocence.
5. Louisiana SB 125 – For persons currently required to submit DNA to the state database, those persons may request DNA testing on evidence pertinent to their conviction, and comparison of the results.
6. Louisiana SB 170 -- Authorizes any person in custody in the state to apply for DNA testing in conjunction with an application for post conviction relief if certain conditions are met.
7. Massachusetts HB 2506 – Authorizes relief for wrongful convictions if certain conditions are met. Relief is not to exceed \$500,000.
8. Michigan SB 319 & HB 4428 – Annual appropriations bill authorizes 24 full time employees for the crime lab’s DNA analysis program.
9. New York AB 7003 – Removes a date restriction of January 1996 for which inmates convicted prior to this date may bring motions for post conviction DNA testing.
10. New York 7134 – Effective DNA Prosecutions Act. Allows fictitious name indictments to be brought if a DNA profile of the suspect is available. Establishes a timeline for analyzing old cases, and requires labs to notify law enforcement of this timeline. Establishes the DNA Evidence Fund. Requires offender samples to be acquired within 120 days and analysis completed within the year.
11. Texas SB 1813 – Requires DNA labs to be accredited by ASCLD/LAB. Labs not accredited may not have DNA evidence admitted at trial. Labs that do not retain a sample for defense DNA testing may not have evidence admitted at trial.
12. Texas SB 1814 – Requires third party consultants for any post conviction of DNA evidence requested by the prosecution.

Genetic Privacy / Research

13. Alabama SB 314 – Prohibits human cloning.
14. New York SB 3013 – Prohibits human cloning and protects stem cell research and therapeutic cloning.
15. South Carolina HB 3819 – Prohibits human cloning.

NEWS ARTICLES

Forensic DNA

1. “State Supreme Court rules murderer entitled to DNA test.” The Associated Press State & Local Wire, March 26, 2003.
The New Jersey State Supreme Court has ruled that a convicted murderer is entitled to DNA testing that could exonerate him even though he has not exhausted the appeals process. In the unanimous decision, the justices said that making inmates wait for testing until their cases go through the years-long process was a waste of judicial resources and "offends basic notions of fairness."
2. “Burglary solved through state lab DNA match.” The Associated Press State & Local Wire, March 25, 2003.
New Hampshire had its first cold hit on the DNA database. An unsolved burglary was linked to a man in a Massachusetts jail on an unrelated parole violation and weapon charges. The man had left blood on a safe that he robbed. The hit was made on the state’s first upload of unsolved DNA cases into the system.

3. "Arrest warrant issued for inmate in 1991 Fort Lauderdale murder." The Associated Press State & Local Wire, March 25, 2003.
In Florida, police have found a suspect for a 1991 murder through a cold hit on the DNA database. The crime scene evidence was linked to a man on death row in Arkansas. The man's previous conviction a 1995 rape and murder and attempted murder conviction.
4. "Suspect pleads guilty to rape after DNA link." Chicago Tribune, March 25, 2003.
In Illinois, a man has pleaded guilty to raping a college student last year, a crime that was originally blamed on another man until DNA tests proved him innocent. The man who has pleaded guilty was one of several original suspects. But based on a preliminary identification from the victim and a police dog that followed a trail to a neighboring apartment, police arrested another tenant and charged him with the crime. Within several weeks, a DNA test indicated that the man wasn't involved, and he was released from jail.
5. "All HPD cases will be purged from state, U.S. DNA databases." Houston Chronicle, March 25, 2003.
Houston Police Chief C.O. has asked the Texas Department of Public Safety to purge from its DNA database all cases examined by the HPD crime lab. Newspapers had previously reported that the FBI might terminate HPD's access to the national database, depending on the findings of a federal review of the lab. In the seven years since the state launched the DNA database, HPD has contributed fewer profiles than other agencies in smaller jurisdictions. HPD submitted 313 DNA profiles taken from criminal suspects between January 1996 and February 2003. In comparison, the Austin DPS lab contributed 1,628 and the Lubbock DPS lab 737.
6. "Houston Police DNA lab woes result in re-examination of 525 cases." The Associated Press State & Local Wire, March 24, 2003.
525 cases in which the Houston Police Department was involved are now being re-examined. Each of Houston's two analyst had 40 to 60 cases a month, compared to a typical caseload of 60 to 120 a year elsewhere. The lab workers last attended a training session in 1999, and the Police Department had been trying to get the leaky roof repaired since 1995. The DNA Section acknowledged mistakes could have been made by overworked staff, but said had been voicing concerns to superiors since 1998. The Police Chief said he knew about the leaky roof, but didn't learn of staffing concerns until last summer. The lack of documentation and training didn't come up until the audit, the chief said.
7. "Albuquerque man linked by DNA to strangling of Washington woman in 1982." The Associated Press State & Local Wire, March 24, 2003.
In Washington State, a man who was linked to a 1982 murder by a cold hit on the DNA database has pleaded guilty and been sentenced to 20 years in prison. After the cold case was reopened and DNA evidence tested, a match was made to an offender in New Mexico who had been convicted in 2000 of attempted car burglary and possession of stolen tools.
8. "DA says backlog at state crime lab forces use of private labs." The Associated Press State & Local Wire, March 24, 2003.
A District Attorney in Mississippi said the crime lab is used when possible, but a shortage of analysts has caused delays in processing DNA samples from pending cases, such as murders and rapes. Instead, many cases are being sent to private labs for testing.
9. "New crime lab has it all - except scientists." The Associated Press State & Local Wire, March 24, 2003.
In Washington State, the new crime lab has the space and the equipment to examine evidence, but is not fully staffed due to state budget cuts. About a third of the lab's Seattle staff are trainees, meaning they can't do casework without supervision. Overall, the lab has 41 employees, including 33 forensic scientists. There are currently 9 openings for scientists which cannot be filled due to budget problems.
10. "DNA Fingers Crooks Fast." Birmingham Evening Mail, March 24, 2003.
In West Midlands (England), a pilot fast-tracking project proved so successful that it slashed the average time from processing a DNA sample to arrest to just seven days, rather than the previous seven weeks. The fast turn-around meant that suspected burglars were in court within days of committing offence.
11. "DNA database is good idea." The Herald (Rock Hill, SC), March 24, 2003.

South Carolina editorial which encourages the state to expand its offender DNA database to include all convicted felons. The Senate Judiciary has recently approved such a measure. "The sooner DNA databases of convicted felons are established in every state, the better."

12. "DNA To Be Questioned in '70s Death." Albuquerque Journal, March 24, 2003.
In New Mexico, the attorney for a man charged with killing his mother in the mid-1970s will question at trial the credibility of DNA testing that allegedly identified the woman's bones and led to his arrest. Mitochondrial DNA testing was used to identify the skeletal remains of a body buried on the man's property. After the bones were found, the man refused to give investigators a DNA sample to help identify the remains. But in early 2001, police located a maternal first cousin of the suspected victim, which was linked to the skeletal remains.
13. "Phoenix Police Lab Spawns Court Woes With Tardiness." The Arizona Republic, March 23, 2003.
Backlogs at the Phoenix Police lab mean that some drug suspects will not face charges for up to a year or even longer. Though drug analysis is the worst, every section of the lab is experiencing backlogs. "We've been trying to explain to them how important this is," said a local prosecutor. "We're beginning to lose cases. We've had evidence suppressed. We've had to proceed on a murder case without DNA evidence. We've had attorneys held in contempt because they haven't been able to get things done. It's that critical." Police say their recent efforts and a new crime lab set to break ground next year may alleviate some of the pressure. But prosecutors say police also need to look at a night shift, sending things to private labs for analysis and even creating one statewide crime lab to speed the testing process.
14. "Police here get \$62,000 crime-fighting boost." Intelligencer Journal (Lancaster, PA), March 23, 2003.
In Lancaster County, Pennsylvania, East Hempfield police are spending \$15,000 in state grant money on two drying cabinets for DNA evidence. The Chief said that because of the sensitivity of DNA evidence and its propensity for contamination, police laboratories will accept only dry evidence for testing.
15. "DNA match results in rape conviction." The Associated Press State & Local Wire, March 22, 2003.
Maryland's first cold hit on the DNA database has resulted in a 1988 rape conviction. The man submitted a DNA sample due to a 1989 rape conviction, and was only a few weeks away from being paroled when the match was made.
16. "Database spurs families' hope." Fort Worth Star Telegram, March 22, 2003.
The University of North Texas Health Science Center began accepting DNA samples this year for a database that could help identify unidentified missing persons, living and dead. The program was started with \$660,000 from the Texas Crime Victims Compensation Fund, paid by convicted criminals in court costs and restitution fees. The lab is seeking voluntary participation by Texas families searching for missing family members, and a priority will be to match the unidentified remains of missing children with their families. In Texas, the number of missing is 5,000 to 6,000 people annually.
17. "Merced Case On 'Most Wanted'." Modesto Bee, March 22, 2003.
In California, investigators believe a serial killer is responsible for the deaths of a woman in California and a woman in Arkansas. DNA found at the crime scenes has linked the two deaths. Arkansas authorities helped connect the cases last year. After failing to match their suspect's DNA profile in a national database, they began searching the unsolved cases in other states -- and California found a match.
18. "Blood on bird could tie man to sex assault." Star Tribune (Minneapolis, MN), March 22, 2003.
In Minnesota, a pet bird bit an attacker during a sexual assault on the victim, apparently drawing blood that authorities will try to use to convict him. Ramsey County Sheriff's Office deputies found what appeared to be blood on the bird's back feathers and recovered a sample that they hope contains the attacker's DNA. A suspect is in police custody, and a DNA sample has been drawn from him for comparison.
19. "Traffic Fines Help Fund Government Programs." The Arizona Republic, March 22, 2003.
In Arizona, a typical speeding ticket for driving one to nine miles above the speed limit will cost \$110. Of this fine, three percent, or \$2, is earmarked for the state's forensic DNA fund. During fiscal 2002, which ended June 30, surcharges from traffic violations totaled more than \$55 million statewide.
20. "Governor proposes more money for Anderson claims package." The Associated Press State & Local Wire, March 21, 2003.

Virginia's Governor will offer amendments to the budget the General Assembly passed last month that boosts compensation by about \$300,000 for a man imprisoned 15 years for a crime he did not commit. The Governor proposes \$443,000 in cash and an annuity worth slightly more than \$1.1 million - or nearly \$2,100 a month for 45 years - for Marvin Lamont Anderson. Anderson, 38, received a full pardon after DNA tests conducted in 2001 exonerated him in a 1982 rape. Besides the time he spent in prison, Anderson spent five years on parole. The amount the Governor proposes would equal the amount originally favored by the Senate. The House subsequently cut relief for Anderson in half before reaching a compromise with the Senate for \$1.2 million.

21. "New crime lab proposed for Vancouver." The Columbian (Vancouver, WA), March 21, 2003.
The Washington State Patrol has started the application process to build a two-story regional crime lab in downtown Vancouver. Backlogs at the state's four full-service labs have caused delays in prosecution of criminal cases; in all but the most pressing cases, detectives wait about nine months to have evidence processed. The \$ 13 million needed for the lab was not included in the Governor's proposed 2003-05 budget, but Clark County legislators are optimistic the money will be inserted in the final budget. An idea has been floated to postpone equipping the second floor until the following biennium, in order to save money in the current biennium. The new lab would include a DNA section.
22. "Omaha taps into DNA database." Omaha World Herald, March 21, 2003.
The Omaha Police Department and the Nebraska State Patrol now are using the national database of DNA from criminals to help crack up to 100 unsolved homicides and sexual assaults. Thanks to a federal grant of nearly \$200,000 and an agreement the Omaha City Council approved this week, police are sending blood, urine, semen, hair or tissue samples from some of the 100 cases to the University of Nebraska Medical Center for DNA analysis. According to its grant application, the department has a backlog of about 120 unsolved homicide cases and 350 unsolved sexual assault investigations. Of those, 100 have been identified as "no suspect" cases.
23. "Police Lobby For New Crime Lab." The Arizona Republic, March 21, 2003.
Mesa, Arizona police are asking officials to build them a \$16 million crime lab or face losing future grant funding from the federal government. If the police don't build the proposed 70,000-square-foot facility by April 2006, the department could lose its accreditation as a certified crime lab. A council subcommittee recently unanimously approved a plan to go ahead with the design.
24. "Crime lab too broke to respond to some crimes." The Associated Press State & Local Wire, March 20, 2003.
In Oregon, a total of 85 out of 135 state lab positions were originally cut by the Legislature, and only about half of those jobs have been restored. The crime lab has a backlog of 6,000 DNA samples. About one in every 300 samples taken from felons in prison has matched evidence from crimes other than felons were convicted of - helping Oregon law officials crack a small but steady number of cold cases. But those breaks ended with the layoffs. County district attorneys say they're stunned by the lack of resources for homicides, rapes and other major crimes. In a recent murder, the body was found at 2:30 in the afternoon, but the Portland lab forensics team couldn't make it until the next day. Instead, a laid-off state trooper was deputized as a county sheriff for the day to collect evidence around the teen's body. 30 hours had passed before police were able to remove the victim and clear the scene.
25. "Top Court to rule on rapist's DNA challenge." Edmonton Journal, March 20, 2003.
In Canada, a man convicted of raping a 14-year-old girl and leaving her pregnant has made the first Supreme Court of Canada challenge to laws allowing police to take DNA from suspects. The defense lawyer argued that 1995 legislation permitting officers with search warrants to collect DNA in hundreds of sexual assault, murder and other cases each year is unconstitutional. It should be harder for judges to give warrants for bodily substances, suspects should generally get notice so they can oppose these warrant applications, and people shouldn't be forced to incriminate themselves, he said. The decision will not affect the ability to order blood samples for the national DNA bank from certain classes of criminals such as sex offenders.
26. "SLED rules out Winthrop rape suspect." The Herald (Rock Hill, SC), March 20, 2003.
In South Carolina, state law enforcement recently determined a blood sample taken from a suspect in a rape case did not match DNA recovered during the investigation. Authorities have now ruled out the unidentified man as the rape suspect. "So now we continue to direct our efforts in another direction... We're going to make sure we get the right guy."
27. "North Dakota." Grand Forks Herald, March 19, 2003.

In North Dakota, a man has been charged in a three-year-old rape case, after authorities said they used DNA samples to link him to the crime. Authorities said the suspect's DNA was taken last September when he was jailed on an unrelated charge.

28. "State labs on top of deluge of DNA evidence." Poughkeepsie Journal (Poughkeepsie, NY), March 17, 2003. New York's DNA labs have been able to keep up with the demand despite the extra load that came from working on Sept. 11-related cases in 2001 and 2002, and despite a growing number DNA testing cases. "We're getting a lot more cases that we'd never seen before," said the director of biological science at the New York State Police Forensic Investigation Center in Albany. "In the past, DNA was for murders or rapes, but now we're having assault cases, we've gotten a misdemeanor or two and we get burglaries all the time." Governor Pataki recently praised the President's DNA Initiative calling it "a major boost to New York's own successful DNA databank." Pataki also called for the DNA databank to include all felony offenders, as well as people convicted of class A and B misdemeanors. In New York, the target turnaround for DNA analysis is 30 days. This turnaround is being met through a staff that has quadrupled from 20 analysts in 1999 to 80 in 2003, and new automation technology, and some outsourcing.
29. "DNA tests in slaying may be delayed." The Idaho Statesman, March 15, 2003. A DNA sample taken from a suspect arrested in connection with a murder investigation will be sent out of state for analysis because of low staffing at Idaho's crime lab. Boise Police Chief said the crime lab is in "dire straits," and the Idaho State Police said in some cases he is correct. The DNA/Forensics division is staffed by one analyst -- who fell off a horse about a week ago and is hospitalized. So, there is no one available to process DNA samples. A backup analyst is being trained for the DNA division, he said, but is only two months along in the yearlong training. Until the analyst returns, the lab will consult with police to determine the priority of each case that requires DNA testing.
30. "Test their DNA and nail them." Morning Star (Wilmington, NC), March 15, 2003. Editorial in a North Carolina newspaper endorses the President's DNA Initiative. "More violent criminals would be caught and convicted if Congress gave President George Bush the money he wants for DNA testing. Some of that money presumably would flow to North Carolina, which could certainly use it. . . Law-enforcement officials would waste less time and money. The guilty would be nailed, and nailed quicker. The innocent would be spared. And lives would be saved."

Genetic Privacy / Research

31. "'Lucky should subsidize unlucky' for life insurance." AAP Newsfeed, March 25, 2003. In Australia, a leading economist has suggested that healthy, low-risk people should pay higher life insurance premiums to subsidize applicants with genetic abnormalities. "My solution is to ensure that there is pooling of premiums, not to have premium differentiation which would make things very hard for people at risk from genetic tests," he said.
32. "Research funding wasted on useless projects, say MPs." The Times (London), March 25, 2003. In England, a report was particularly critical of the Medical Research Council's decision to fund Biobank, a Pounds 45 million initiative to collect DNA samples and medical records from 500,000 volunteers aged between 45 and 69. The project aims to investigate the balance between genetic and environmental causes of conditions such as cancer and heart disease, but many experts have questioned its real value. "It is not clear to us that Biobank was peer-reviewed and funded on the same basis as any other grant proposal," the report found. "Our impression is that a scientific case for Biobank had been put together by the funders to support a politically driven project."
33. "Only 14pc of claimants take DNA abode tests." South China Morning Post (Hong Kong), March 24, 2003. In Hong Kong, only 14 percent of mainland abode seekers have undergone government -supervised genetic tests to prove they are children of Hong Kong parents since the DNA procedure was introduced in late 2001. Up to last month, only 586 had taken the tests - of whom 572 had proved their claims, while 14 had failed. A department spokesman did not exclude the possibility that many had not taken the test knowing that it would have undermined their claim. The Hong Kong government charges \$ 2,740 for the test.
34. "B.C. government injects \$27.5 million into genomics research." The Guardian (Charlottetown), March 20, 2003.

In Canada, the British Columbia government pumped \$27.5 million into research by a non-profit organization called Genome B.C. that will use the money for advancements in human health, fisheries, forestry and the environment.

Paternity

35. "More Worried Mothers Seek DNA Paternity Tests." The Scotsman, March 19, 2003.
The number of women seeking DNA tests to determine who is the father of their child has doubled in recent years, according to one of Scotland's leading forensic scientists.