

DNA RESOURCE REPORT

FEBRUARY 28 & MARCH 7, 2003

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The February 28 and March 7, 2003 DNA Resource Report is listed below (combined as one report).

These reports are prepared by Tim Schellberg and Lisa Hurst of Smith Alling Lane (253) 627-1091, on behalf of Applied Biosystems.

SUMMARY

DNA database expansion bills were introduced in California, Florida, New York, North Carolina, Oregon, and Rhode Island. South Dakota enacted an all felons database bill, and other database proposals were considered in Arizona, Nebraska and Nevada. Virginia's collection of DNA from certain arrestees is proceeding under the close scrutiny of the ACLU.

Recent court rulings of note: Minnesota has ruled that STR DNA testing is admissible. New York has upheld the state's offender DNA database. New Jersey ruled that defendants do not have a constitutional right to DNA testing prior to trial. Court decisions in Oklahoma and New York allow recent changes to the statute of limitations to stand.

A statute of limitations bill was introduced in Florida, and California introduced a Sexual Assault Victims' DNA Bill of Rights. Cold hits on the DNA database revealed serial rapist on the loose in Ohio (10 rapes), and identified suspects in New York (2 unrelated rapes), New Jersey (robbery), Maryland (murder), and Indiana (rape).

An Oregon agreement has restored partial funding to the state lab, and Michigan's crime lab could be hurt by looming budget cuts. Alabama's lab is seeking to double its budget this year, and funding for DNA testing in Louisiana is receiving attention. A New York SANE program could be eliminated, and Houston has approved contracts for outsourced DNA casework.

Post conviction DNA bills were introduced in Georgia, Illinois, Texas and West Virginia, and a Montana proposal to pay for tuition for exonerated inmates passed the Senate. Post conviction testing cases made headlines in Missouri, Illinois, and Connecticut.

In international news...An Australian Court has strengthened law enforcement's ability to use DNA in investigations. Scotland is planning a new lab for DNA testing, and a cold hit on Canada's DNA database identified a serial rapist. Genetic paternity testing is pivotal in criminal cases in South Africa and Nicaragua. DNA testing is requested for a baby mix up in Mexico, and in a bird custody case in South Africa, and a murder investigation in France

STATE LEGISLATION

Forensic DNA

1. Arkansas SB 416 – Adds the offenses of computer child pornography and computer exploitation of a child to qualifying offenses for inclusion in the offender DNA database.

2. California AB 836 – Clarifies that the Department of Corrections or the Department of the Youth Authority must obtain DNA samples prior to release on parole of any sex offender who is required to give a DNA sample.
3. California AB 898 -- Establishes the "Sexual Assault Victims' DNA Bill of Rights." Contains various provisions relating to victim notification requirements for DNA evidence testing.
4. California SB 284 – Expands offender DNA database to include all convicted felons.
5. Florida SCJ 3 -- Authorizes the prosecution of specified offenses within 1 year after the identity of the accused is established through analysis of DNA evidence, regardless of the statute of limitations. Offenses include aggravated battery, kidnapping, sexual battery, burglary, robbery, carjacking, and aggravated child abuse.
6. Florida HB 725 -- Probationers or community controllees may be required to submit biological specimens to the Florida Department of Law Enforcement to be registered with the DNA data bank.
7. Florida HB 1648 -- Requires DNA samples from sex offenders and juveniles adjudicated delinquent of sex crimes who placed on probation or community control.
8. Georgia HB 599 -- Provides for postconviction DNA testing of evidence in certain criminal cases.
9. Illinois SB 1455 -- Provides for postconviction DNA testing motions, and for the right to such testing prior to trials.
10. Illinois HB 3306 -- Establishes an independent forensic science oversight commission responsible for overseeing the performance of forensic science laboratories and maintaining the independence of these laboratories from both the prosecution and the defense.
11. Illinois HB 3354 – In capital cases, the defendant may make a motion for DNA testing prior to trial.
12. Illinois HB 3366 – Adds a provision that for post conviction DNA testing, the capital cases must meet criteria that the evidence must significantly advance the defendant's claim of innocence but need not completely exonerate the defendant.
13. Illinois HB 3691 -- Provides for postconviction DNA testing motions, and for the right to such testing prior to trials.
14. Louisiana HB 156 -- If a crime lab employee appears in court pursuant to a subpoena, the defendant can cross-examine the employee and the certificate of analysis shall not constitute prima facie proof of the contents or proper custody.
15. Mississippi HB 2952 – State appropriations bill provides funding for DNA analysis.
16. New Mexico SB 861 – Provides for collection of DNA samples and a DNA analysis fee from convicted sex offenders, as required by law.
17. New York AB 2106 & SB 1406 – Budget bill establishes a DNA Databank Fee of \$50.
18. New York AB 5271 – Expands DNA database to include convictions for attempts and conspiracies to commit offenses that are currently included in the database.
19. North Carolina HB 79 – Expands offender DNA database to include all convicted felons, and permits DNA samples to be taken from any person arrested of a violent felony.
20. Oregon SB 729 – Expands offender DNA database to include all Class A misdemeanor convictions.
21. Rhode Island SB 739 – Expands offender DNA database to include all convicted felons.

22. Tennessee HB 1654 & SB 1738 – Regulates the preservation, retention and disposal of evidence and biological material for DNA analysis or other forensic testing.
23. Texas SB 543 – Removes post conviction DNA testing criteria provision requiring a “reasonable probability” and instead states simply that for DNA testing the inmate must establish that he would not have been convicted.
24. Texas SB 628 – Allows 20 whole days for the execution of a search warrant if the warrant is issued solely to search for and seize evidentiary items or specimens for DNA analysis and comparison, including blood and saliva samples.
25. West Virginia BH 3098 – Provides a right to DNA testing for imprisoned felons and requiring certain physical evidence be preserved.

Genetic Privacy / Research

26. Illinois SB 1181 -- Genetic Counseling Practice Act.
27. New Mexico SB 870 – Requires the state to adopt rules requiring genetic disorder testing for newborns.
28. New York AB 4533 – Prohibits human cloning.
29. New York AB 4735 -- Creates a state commission on personal privacy to examine and assess the privacy of individuals and to make recommendations relative to the protection thereof.
30. New York AB 4953 -- Requires coverage for genetic testing in accident and health insurance policies.
31. Oklahoma HCRes 1008 -- Declares the month of April 2003 as Genetics Month.
32. Oregon SB 618 -- Modifies laws relating to genetic privacy. Clarifies requirements for genetic research.
33. Tennessee HB 1075 – Prohibits human cloning.
34. Washington SB 5897 – Prohibits the practice of requiring a prospective employee to submit genetic information or submit to screening for genetic information as a condition of employment or continued employment.
35. Washington SB 5929 – Requires informed consent before an employer or insurer can collect, use, store or disclose genetic information about a person.
36. Wisconsin AB 104 – Prohibits human cloning.

Paternity

37. Illinois HB 3309 – Enacts provisions from the Uniform Interstate Family Support Act Amendments of 1996 and 2001, which provide that declining to take a genetic paternity test before signing an acknowledgement form will be proof of paternity.
38. Maine HB 327 -- Enacts provisions from the Uniform Interstate Family Support Act Amendments of 1996 and 2001, which provide that declining to take a genetic paternity test before signing an acknowledgement form will be proof of paternity.
39. New Mexico SB 824 -- Requires genetic testing for named fathers of children born out of wedlock; provides for a genetic testing waiver attachment; provides for exceptions to the right to genetic testing for determining paternity.
40. New Mexico SB 851 -- Requires genetic testing for named fathers of children born out of wedlock; provides for a genetic testing waiver attachment; provides for exceptions to the right to genetic testing for determining paternity.

41. Tennessee HB 1121 & SB 522 -- Any previously issued judgment for child support shall not be deemed a valid judgment and shall not be enforceable when the genetic testing proves the man not to be the biological father.
42. Texas HB 1461 – Requires mandatory paternity testing before a court may render an order for child support.
43. Vermont HB 330 -- Provides a parentage hearing if a man who is required to pay child support discovers genetic paternity tests prove that he is not the biological father.

NEWS ARTICLES

Forensic DNA

1. Letter to the Editor of The Weekend Australia. Director-General of Queensland Health Scientific Services, February 19, 2003.
Regarding “gross inaccuracies” reported by the newspaper about a hair sample in a murder investigation case. The hair was prepared for mitochondrial testing in accordance with international best practices, but internal changes in FBI protocol did not allow for the hair to be tested since the preparation of the sample had occurred elsewhere. The letter reports that the journalist did not contact the lab to discuss the case, or to ensure that the DNA information to be published was scientifically correct. “In fact, to insinuate that the laboratory had made a ‘bungle’ and destroyed ‘potentially ironclad evidence’, in relation to evidence that would never have been presented to a court due to the high standard of proof required in criminal evidence, is grossly misleading.”
2. “Rape victim, lawmakers call for more DNA testing to catch rapists.” The Associated Press, March 4, 2003.
A press conference was held recently in Washington, DC to promote the Debbie Smith Act of 2003, which would provide more than \$300 million to help local authorities clear the backlog of DNA samples. The bill would also provide funding to train health care professionals on proper evidence-collecting techniques, and create federal standards for collection and testing.
3. “Some spending cuts restored as \$500 million package signed into law.” The Associated Press State & Local Wire, March 4, 2003.
In Oregon, an agreement on a special budget deal provides funds for rehiring 40 of 129 State Police troopers laid off last month and 40 of 85 police crime-lab workers who had been dismissed. The package restores \$33 million of \$310 million cut from the state’s budget earlier this year. To fill a potential \$340 million budget gap, leave a reserve cushion and come up with the \$33 million, lawmakers are having to borrow \$300 million against the state's share of the national tobacco settlement, take \$112 million from an education reserve fund and lesser amounts from various smaller funds.
4. “Ex-Con Linked By DNA To '96 Rape Gets Max.” Daily News (New York), March 4, 2003.
In New York, a man who was out on parole when cold hit on the DNA database linked him to a 1996 rape, was sentenced to the maximum 25 years to life in prison for the assault. The man’s previous conviction was on a robbery charge. The 1996 rape kit was finally tested as part of the NYPD's Project Backlog, which is analyzing DNA from 17,000 untested rape kits. In Brooklyn alone, Project Backlog has cracked at least two dozen sexual assault cases involving attackers who were strangers to their victims.
5. “Attorney General: No charges in 9-year-old Nicaraguan girl's abortion.” Associated Press Worldstream, March 3, 2003.
In Nicaragua, prosecutors are seeking DNA samples from the young girl’s aborted fetus to prove a man in Costa Rica was her rapist. When the girl’s parents brought her back to Nicaragua for an abortion, the issue became a national debate after the procedure was opposed by government officials and the Roman Catholic Church. The government called the abortion a crime and prosecutors threatened to bring charges against those responsible, while the church excommunicated those who promoted and carried out the procedure.
6. “Hearing set this week into problems at Houston DNA lab.” The Associated Press State & Local Wire, March 3, 2003.

In Texas, a legislative committee will be holding hearings about the Houston Police Department's crime lab, which has come under fire since a state audit revealed shortcomings, including the possible contamination of DNA evidence used to prosecute rape, murder and capital murder cases. Prosecutors have since ordered retesting of evidence in 21 cases, including those of seven inmates on death row.

7. "Crime Stoppers Sexual Assaults." The Columbus Dispatch, March 3, 2003.
In Ohio, detectives have attributed 19 sexual assaults from January 1992 to June 2002 to an unidentified suspect. 10 of the assaults have been linked to the same suspect by DNA analysis. The remaining offenses have been included because of similar location, suspect description and offender behavior. Police said the man is adept at burglarizing residences.
8. "DNA extraction from inmates upheld in New York." Corrections Professional, March 3, 2003.
A suit filed by all convicted felons in New York was dismissed after a district court ruled that DNA identification was warranted due to overwhelming public interest in prosecuting crimes accurately and balancing the welfare of society. The inmates argued that their constitutional rights were violated when their DNA was involuntarily extracted from them and placed in the state's index, in the absence of a warrant, probable cause or individualized and reasonable suspicion to believe they committed a crime for which their DNA could be used to prosecute them. The court found that DNA samples provide no evidence in and of themselves of criminal wrongdoing; a convicted felon's expectation of privacy in the identifying information contained in her DNA is particularly weak compared with those of other individuals; and the intrusiveness of the program is diminished by the blanket approach to sampling mandated by the statute. Nicholas, et al., v. Goord, et al., No. 01Civ.7891(RCC)(GWG) (S.D.N.Y. 02/06/03).
9. "Jimenez v. State of New Jersey, United States District Court, New Jersey." New Jersey Law Journal, March 3, 2003.
A New Jersey District Court has found that a defendant in a criminal case does not have a constitutional right to DNA testing prior to trial. In this case, the plaintiff was arrested and remained in jail for nearly 22 months before all charges were dismissed. The plaintiff alleges that, during his incarceration, he requested a DNA test that he contended would prove his innocence. Once the testing was finally completed the test results were "inconclusive" and he was then released from prison. CASE-INFO: No. 02-245; United States District Court [DNJ]; opinion by Rodriguez, U.S.D.J.; filed February 20, 2003. DDS No. 46-7-2923.
10. "Man Arrested Over Daughter's Rape." SAPA (South African Press Association), March 3, 2003.
In South Africa, DNA paternity testing is being completed on the fetus of a girl who claims she was repeatedly raped by her father.
11. "Kinder's Lawyer Says Evidence Was Flawed, Seeks New DNA Test." St. Louis Post-Dispatch, March 3, 2003.
In Missouri, a death-row inmate who was convicted on the basis of DNA evidence, is appealing a court ruling that has denied him a new DNA test. The man was convicted 11 years ago in a 1990 rape and murder, but the defense attorney says that evidence was flawed and that new, more accurate testing procedures are now available.
12. "Man convicted of second-degree murder." The Associated Press State & Local Wire, March 1, 2003.
In Oklahoma, a man charged in a rape for which another man wrongfully went to prison lost his second challenge to a law that lets prosecutors pursue old sex crimes cases on new DNA evidence. The man's lawyers maintain the seven-year statute of limitations for the crime expired Oct. 29, 1994, and a new law that took effect in September 2002 "purporting to revive this time-barred prosecution" violated the U.S. and Oklahoma constitutions. The District Judge became the second judge to reject this challenge.
13. "Police win rights to stored DNA samples." Courier Mail, March 1, 2003.
In Australia, the Court of Appeal dismissed the appeal by a man who argued the use of a DNA sample, taken in 1992, to convict him for a rape in 1999 was an invasion of his privacy and was unlawful. The man's DNA samples had been taken when he was charged with another rape but were not destroyed when he was acquitted. The judgment included a detailed look at legislation covering the collection and storage of DNA samples and it is likely to set guidelines for many years.
14. "Cops arrest man suspected of raping Flagami women." The Miami Herald, March 1, 2003.
In Florida, police have arrested a man in sexual attacks on at least four women, including two whose children lay nearby during the assaults. After police received a tip, the man admitted the assaults and gave a DNA sample that

matched evidence taken from the victims. The man faces multiple counts of armed sexual battery, armed kidnapping, armed robbery, armed aggravated battery and armed occupied burglary, and he has a previous arrest in Miami for burglary of an occupied structure

15. "DNA Helps Convict Man As Rapist." The Buffalo News, February 28, 2003.
In New York, a man in prison for robbery has been convicted of raping and robbing two women in the 1990s. State courts have ruled that the statute of limitations does not apply when a suspect was never identified. It held that law enforcement has up to 10 years to prosecute suspects identified beyond the statute of limitations. Prior to this conviction, the man was due to be released from prison in two months.
16. "DNA Ties Con To Rape Of Girl, 12, In 1995." Daily News (New York), February 28, 2003.
In New York, a man who raped a 12 year old girl in a Brooklyn stairwell in 1995 has been identified through a cold hit on the state's DNA database. The man is currently in prison for attempted murder and robbery and had less than three years before he would be up for parole in that case.
17. "Officials Identify Remains Of Two Hijackers Through DNA." The New York Times, March 1, 2003.
The New York City medical examiner's office has identified the remains of two of the terrorists who attacked the World Trade Center through DNA testing. The FBI has shared with the medical examiner 10 full DNA profiles of the terrorists. Of the 19,935 recovered remains, 6,300 have been identified; they are the partial remains of 1,468 people, not including the hijackers. Of the 1,468, 737 were identified by DNA alone. In about half the cases, forensic scientists were able to obtain a full DNA sample from the body parts. A quarter of the cases yielded partial DNA profile, and a quarter yielded none.
18. "Safety Trumps Privacy Concerns With New DNA Law." The Virginian-Pilot (Norfolk, VA), March 1, 2003.
Article provides a favorable review of Virginia's new law allowing DNA samples to be taken from certain felony arrests. The local ACLU chapter fears "The next step will be taking DNA at birth." The author notes that citizens must make sure that police are not making bogus arrests just to obtain DNA samples, but also points out that the law stipulates that DNA profiles must be stripped from the state database upon acquittal or dismissal of charges. "But the new law is sensible, and it should go a long way toward closing previously unsolved crimes."
19. "Bills would establish Nebraska DNA database." University Wire, February 28, 2003.
The Nebraska legislature recently held a hearing on a proposal to expand the state DNA database to include all convicted felons. The committee heard information gathered from other states on the benefit of including all felons, particularly burglary. However, cost is a significant concern to the state. The sponsor has proposed that the state could collect the DNA and store it until the State Patrol applies and receives federal grants. In the meantime, he asked the Legislature to establish the best laws it could -- "Let's do it right now that we're getting in to the ball game," he said.
20. "French police suspect lover's family of murdering Algerian MP." Agence France Presse, February 27, 2003.
In France, police have detained four close relatives of the mistress of an Algerian lawmaker, whose body was found in a car in Paris last month. DNA samples taken from the victim's body matched that of some of the four family members and linked them to the murder.
21. "Mexican families demand DNA tests after baby mixup." Associated Press Worldstream, February 27, 2003.
In Mexico, two families who apparently were given the wrong infants to take home from a maternity hospital have filed a criminal complaint to ensure they finally have the correct babies. The families said they would like to have an independent laboratory check the DNA of the children just to be sure they finally have the right ones.
22. "Suspect arrested in rapes in Tyler." The Dallas Morning News, February 27, 2003.
In Texas, a construction worker has confessed to nine rapes and attempted sexual assaults. A tip from a victim and her husband about the car used by an assailant fleeing a November attack led police to the suspect, who was arrested after DNA testing linked him to three rapes. When the attacks first began to occur, police did not suspect a serial rapist, but DNA testing of rape evidence at the state lab linked several of the rapes together.
23. "Critics Say DNA Sampling By Va. May Intrude On Civil Liberties. The Virginian-Pilot (Norfolk, VA), February 27, 2003.
Review of Virginia's new law allowing DNA samples to be taken from certain felony arrests – gives an even-handed treatment of both sides of the debate on this law. Reports that the ACLU is considering a legal challenge.

24. "Senate panel rejects expanded anti-crime DNA testing." The Associated Press State & Local Wire, February 26, 2003.
In Arizona, a Senate committee refused to expand the state's all convicted felons DNA database to include all felony arrests. The bill failed by one vote in the committee, with all the Democrats voting in favor and the Republicans voting against it. Democrats felt that including people accused of crimes would help exonerate some suspects while implicating others. Republicans had several objections which included budget concerns.
25. "Nevada Assembly to take up DNA data collection." The Associated Press State & Local Wire, February 26, 2003.
In Nevada, an Assembly committee has approved a bill that would expand the state's DNA database by making it retroactive to include offenders convicted before DNA profiling was common practice. The bill would also include DNA from parolees who move to Nevada after serving time for a crime in another state that would have required a DNA sample if committed in Nevada. The measure, however, only requires the sampling from people who fail to register with local police - who must catch the people first. Most people who fail to register are only caught after committing another crime.
26. "DNA technology leads to arrest of man long suspected in 1977 Georgia slaying." The Associated Press, February 25, 2003.
In Georgia, DNA testing has linked a man to a 1977 murder, for which he had long been a suspect. Police always believed the man had committed the crime, but did not have sufficient proof until the case was reopened and DNA evidence was analyzed with new testing methods.
27. "State high court OKs new DNA testing method." Star Tribune (Minneapolis, MN), February 25, 2003.
The Minnesota Supreme Court has ruled that the state's crime lab operated under appropriate scientific standards when it started using a new type of DNA testing on blood, hair and other materials in 1999. The test has been used in about 2,000 sexual assault cases and about 300 homicide cases. The ruling overturned an Appeals Court decision that found DNA evidence should not have been allowed because the testing did not comply with TWGDAM standards. Each specific test could still be scrutinized in court to see if officials collected evidence and performed the tests correctly.
28. "DNA bill passes final test." The Associated Press State & Local Wire, February 24, 2003.
In South Dakota, legislation has been enacted to expand the offender DNA database to include all convicted felons. The final vote in the House had only 5 "no" votes, with 62 members voting "yes."
29. "Nat'l Rape Hotline Calls Soar Following Episode of Lifetime's 'The Division'." PR Newswire, February 24, 2003.
The National Sexual Assault Hotline experienced 75% higher call volume than normal following a special episode of Lifetime Television's Original Series, "The Division." The episode, "Testimonial" incorporated interviews with five women who had been victims of sexual assault. Lifetime Television also aired an episode of "Final Justice" that features true stories of ordinary women who fought back against the system and won. The episode included the story of a California woman whose rapist could not be prosecuted because the statute of limitation had expired by the time he was caught. The victim successfully led efforts in California to change the statute in cases where DNA evidence is available. Following the show, viewers were urged to work with RAINN to ensure that their state adds a "DNA Exception" to its laws. This call-to-action resulted in a heavy email response from viewers.
30. "South Africa; Feathers Fly Over Ownership of Prized Peacock." Africa News, February 23, 2003.
In South Africa, a peacock is at the center of a bitter battle between two families who both claim ownership of the bird. Both parties are encouraging DNA testing.
31. "La. pushing use of DNA in investigations." Sunday Advocate (Baton Rouge, LA), February 23, 2003.
In Louisiana, hundreds of men have submitted DNA samples for exclusion testing in the hunt for a serial murderer. The samples are being analyzed quickly, which is a stark contrast to the over 10,000 samples taken from state prisoners and rape kits which have not been tested in the state. One local crime lab indicates that up to one half of the rape kits get backlogged and rapes with unknown suspects "usually get put aside." Funding is the biggest obstacle, and a citizen group called Community Partners for Forensic Science is forming in Baton Rouge to appeal to private citizens, corporations and politicians for money to test the backlog of evidence in unsolved rapes. They hope to raise \$1.36 million for rape kit testing. In a pilot program under way only in Iberia Parish, authorities sample anyone arrested on a felony count, at the same time they are fingerprinted. Police want to expand the

program to all 64 parishes within a year.

32. "DNA a legal issue in serial killer cases." Sunday Advocate (Baton Rouge, LA), February 23, 2003.
Authorities still have not determined what to do with perhaps 1,000 DNA profiles catalogued by the task force investigating the south Louisiana serial killings. The samples are not eligible for inclusion in the FBI's federal DNA database there is no other provision for using them in the future. But "to destroy evidence that exonerates somebody is just as illegal (as it is) to destroy evidence that convicts someone." Police may seek a court order to destroy the samples.
33. "Murder Charge Ends Wait, But Questions, Grief Remain." The Washington Post, February 23, 2003.
More than eight years after a woman was killed in Maryland, police have made an arrest in their oldest cold murder case. The case against the suspect relies at least partly on forensic evidence -- including a hair from the crime scene that matched a DNA sample taken from the suspect in a previous drug case. The hair was submitted to the state DNA lab right away, but there was very little data in the state DNA databank at the time to compare it with. In 1997 the hair was resubmitted and a match eventually was made.
34. "Cockatoo fights off a killer, then convicts him." The Daily Telegraph (Sydney), February 22, 2003.
In Texas, a pet bird who died defending his owner has helped prosecutors identify a killer. The bird pecked his owner's killer on the head several times during the attack, and the killer wiped the resulting blood from his head on the light switch as he left. The DNA profile from this blood was used to link the killer to the crime. The jury took just 25 minutes to convict the man of capital murder, sentencing him to life in prison.
35. "Plan for DNA database." The Herald (Glasgow), February 22, 2003.
In Scotland, police plan to create a (pounds) 9 million "super laboratory" which would house DNA taken from criminals across Scotland and allow almost instant matching of new samples taken from crime scenes. Tayside Police's facility in Dundee already stores DNA of known criminals and is the world's third largest such database. The force is asking ministers to approve plans for a custom-built center to store the Scottish national DNA database and to carry out other forensic work.
36. "Agencies try to gauge depth of cuts." Lansing State Journal, February 21, 2003.
Potential cuts looming for Michigan's state budget could include the state crime lab. The article reports that the group affected by such cuts will be victims and victims' families awaiting DNA evidence on crimes. The current wait for DNA analysis on homicides and violent crimes is at least a month. Cutting a proposed \$125,500 from the \$18 million crime lab budget, could mean the waits for DNA results could be longer. "The service we're asked to provide is increasing and it's increasing at a time when we have less money." In 2002, his three labs handled 3,898 cases. At year's end there was a 1,137-case backlog. The lab also could get less training and might ask local investigators to send their five best DNA samples instead of the average of 10.
37. "4 charged in 2001 Englewood robbery." The Record (Bergen County, NJ), February 21, 2003.
In New Jersey, DNA testing on a baseball cap that was left at the scene of a robbery and assault has linked a man on New York's DNA database to the crime. Detectives located the man at a county jail where he was being held on a charge of receiving stolen property. Federal authorities, Delaware State police, and local law enforcement agencies in New Jersey joined the probe, and three additional suspects were arrested.
38. "Man freed after 14 years in prison to receive \$475,000 settlement." The Associated Press State & Local Wire, February 20, 2003.
Hancock County and Indianapolis, Indiana authorities have agreed to pay \$475,000 to a man who spent 14 years in prison for the rape and murder of an 11-year-old girl before a judge ordered his release based on DNA evidence. A federal judge ordered the man released from prison in 2000 on the basis of DNA evidence which also implicated another man in the death. That man was later charged with rape and murder and is awaiting trial.
39. "Man receives 130 years for rape, abduction." The Associated Press State & Local Wire, February 20, 2003.
The first of two men accused of kidnapping an Indiana teenager from her home, raping her and leaving her locked in the trunk of a car has been sentenced to 130 years in prison. The case went unsolved for three years until a strand of hair found in the back seat of the car was tested against an the state DNA database, producing a match with a man who was imprisoned for burglary.
40. "Legislature in brief." The Associated Press State & Local Wire, February 20, 2003.

Montana's Senate has passed a bill that would provide a state-paid college education for anyone falsely imprisoned but later cleared by DNA testing. The measure, which passed on a 44-6 vote, was prompted by the case of a man released in October after spending 15 years in prison for the rape of an 8-year-old girl. DNA evidence showed he didn't commit the crime. Senate Bill 183 gives a person 10 years after being released to take advantage of the free education, and the aid can be provided for up to five years.

41. "Council rejects request to replace 250 city cars." The Houston Chronicle, February 20, 2003.
Houston's city council approved a \$ 75,000 contract with Identigene to conduct DNA analysis for the Houston Police Department. The Harris County medical examiner's crime lab will conduct HPD's primary DNA testing, and Identigene will take cases the examiner's office cannot handle. Some forensics experts questioned HPD's choice of Identigene, saying it has limited experience and there is a potential conflict of interest because the company is vying for a long-term contract with the department. The Council also approved a \$ 3.5 million contract with ReliaGene Technologies Inc. for DNA testing on "non-suspect" cases and backlogged sexual assault cases.
42. "Forensics lab joins cash rush." The Montgomery Advertiser, February 20, 2003.
The Alabama Department of Forensic Science wants its budget grant doubled to about \$15 million. The Department needs more personnel and better buildings. The increased budget would allow the agency to increase its staff from 174 to 232 people, buy equipment and reduce delays in lab tests that slow the criminal justice system. Without an increase, the Department he will lay off scientists and cut services. Already, it takes about two years to obtain results of a DNA test, although that varies according to case priority.
43. "DNA Leads To Sex Raps." The Toronto Sun, February 20, 2003.
In Canada, a cold hit on the DNA database has linked a man to a string of unsolved rapes in the Toronto area. The man had never been a suspect in the rapes and police said the role of the national DNA database was "absolutely vital" in bringing charges. The man had been ordered to submit a DNA sample after an assault conviction last month. As of September 2002, the national databank had profiles from 27,756 offenders and 6,385 crime scenes. That allowed 359 matches between crime-scenes and suspects.
44. "2 cite DNA, seek to be set free in 1976 murder." Chicago Tribune, February 19, 2003.
In Illinois, two men in prison since 1977 for the abduction, rape and murder of a 9-year-old girl asked a judge to set them free, saying that recent DNA tests had proved they had been wrongly convicted. Recent DNA tests taken from the victim's body identified a DNA profile which matches neither man. Additional tests of hair and other items are being conducted.
45. "Man Cites DNA, Seeks New Rape Trial." The Hartford Courant, February 19, 2003.
In Connecticut, lawyers for a convicted rapist who is seeking a new trial say forensic evidence indicates someone else committed the crime. In the original trial in 1997, microscopic hair analysis found that three pubic hairs found on the victim were similar to the man's. However, recent mitochondrial DNA testing indicates that the hair is not identical to the man's.
46. "Rape-Treatment Program May End." The Post-Standard (Syracuse, NY), February 19, 2003.
In New York, the Sexual Assault Nurse Examiner program designed to help rape victims get through hospital examinations after they're attacked could be dismantled soon unless hospitals and municipalities help finance the cost. The state funding which started the program has dried up. An area crime lab director indicated concern with the possibly elimination of the program saying, "Fifty percent of the kits we get from non-SANE personnel are incomplete. It's not that hospital personnel aren't doing their best. They just don't have the experience dealing with these patients. This is all the SANE nurses do."
47. "Leach wants crime lab upgrades, DNA policy." Daily Advertiser (Lafayette, LA), February 18, 2003.
Louisiana gubernatorial candidate Claude "Buddy" Leach says the state needs to improve its crime labs and have a definite policy on the use of DNA so people are not wrongfully imprisoned or executed. Upgrading the crime labs would be expensive, he said, but he said he believes it would be a wise investment. Prompt analysis of DNA and other evidence could save law enforcement personnel hours of legwork and save wrongfully arrested suspects time in prison. Both would save taxpayers money, he said, and "this will be doing something for law enforcement and to protect families across the state."
48. "Forensic Science Institute In Cash Crisis." Thai Press Reports, February 18, 2003.

Thailand's Institute of Forensic Science Institute is suffering such a shortage of funding after recent budget cutbacks that is unlikely that it will be able to do little more than autopsies and basic DNA analysis, while projects such as a missing persons center and toxic science analysis would have to be put on hold.

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49. "House passes bill to prohibit human cloning." The San Francisco Chronicle, February 28, 2003.
The US House of Representatives has voted to ban all forms of human cloning, after turning aside a bill that would have permitted what advocates call promising medical cloning research. The votes were a near-rerun of House actions in 2001 and set up a potential fight in the Senate, where neither opponents of cloning research nor advocates yet have the 60 votes needed to shut off debate and pass legislation.
50. "Clone claim produces flurry of bills." USA Today, February 25, 2003.
The claim by the Raelian religious sect that it has produced a cloned human baby has spurred a flurry of bills throughout the state legislatures to prohibit such cloning. Legislators in 22 states and both houses of Congress have introduced at least 48 measures aimed at banning or otherwise regulating the cloning of human embryos to produce children or to advance research. Because of a debate over banning all cloning and allowing some cloning needed for scientific research, getting cloning bans passed has proven difficult
51. "Chirac says world needs international bioethics pact." Associated Press Worldstream, February 23, 2003.
The President of France has called for a world pact on bioethics, calling human cloning "the most extreme form of eugenics." Chirac said he would submit a proposal for an international bioethics convention to the United Nations Educational, Scientific and Cultural Organization in the fall.
52. "Boulder endorses genetic anti-discrimination law." The Associated Press State & Local Wire, February 20, 2003.
Boulder, Colorado's City Council has voted unanimously that using genetic information to discriminate against people is illegal. The councilors endorsed a measure to add genetics to laws that ban race, gender and age discrimination. The law ensures genetic information will not be used to a person's disadvantage by employers, housing lenders or as condition of employment.