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The June 11, 2004 DNA Resource Report 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.

### SUMMARY

The California voters initiative to expand the DNA database has qualified for the November ballot. Legislation to require DNA from violent felony arrestees is stalled in Illinois, but has received favorable editorials. The Rhode Island Senate passed a bill to require DNA from all felons. Federal legislation to fund DNA backlogs may soon be moving forward, and a backlog of military DNA cases has become an issue of concern.

A serial rapist in Ohio was identified through a cold hit (11 rapes), but funding problems allowed a backlog resulting in several rapes that could have been prevented. Cold hits assisted investigations / prosecutions in California (murder linked to Washington inmate; 1985 murder), and Indiana (1991 child molestation). Virginia has made its 2000<sup>th</sup> cold hit, and a challenge to Maryland's DNA database was debated before the state's highest court.

DNA testing was also important to criminal cases in California (murder), Illinois (rape), and Massachusetts (twin case). Florida investigators collected DNA from a murder suspect's discarded toothpick. DNA testing was ordered in Alaska in a dog custody battle.

A post execution DNA testing request is pending in Virginia. Post conviction DNA testing bids failed in Georgia and Illinois, and a post conviction test in Illinois confirmed the inmate's guilt. A Louisiana bill giving compensation for erroneous convictions has passed the House, and a wrongful conviction suit in Ohio will result in an independent audit of a city crime lab.

In international news...An Australian state is considering mandatory DNA testing of new police. Uganda will soon begin DNA testing. A strike in England may significantly slow down DNA testing. DNA evidence was important to investigations / prosecutions in Canada, France, Japan, Kenya, and Malaysia. Dandruff identified a burglar in England.

### STATE LEGISLATION

1. California Ballot Measure 19 – Requires DNA from all convicted felons, and from all arrested felons after five years. Provides funding for analysis.
2. Massachusetts HB 4800 – Appropriates \$2 million for a feasibility and cost impact study of building a new state police crime lab.

### NEWS ARTICLES

#### Forensic DNA

1. "Man cleared in rape gets \$1.6 million, review of crime lab." The Associated Press State & Local Wire, June 9, 2004.  
Cleveland, Ohio will allow an independent audit of cases handled by its crime laboratory in what criminal justice experts say is a rare example of authorities agreeing to a comprehensive review of their work. The audit is part of the settlement in Michael Green's lawsuit against the city. Green was wrongly convicted of rape and spent 13 years in prison. The city will pay \$1.6 million to Green and at his request more than 100 cases dating to 1987 will be reviewed. Green was released from prison after DNA tests on a washrag - which the rapist used to wipe himself after attacking a patient in 1988 - proved he was innocent. Another man later confessed and is serving a five-year sentence.
2. "DNA tests reveal woman not the girl who went missing 15 years ago." New Straits Times (Malaysia), June 9, 2004.  
In Malaysia, DNA tests have shown that a mystery woman is not the nine-year-old girl reported missing some 15 years ago. Police are now turning their attention to whether the woman was cheating by impersonation.
3. "Police DNA Testing Opposed." The Age (Melbourne), June 8, 2004.  
In Australia, a proposal for future Victoria Police recruits to undergo DNA tests as part of a range of measures to weed out corruption has been criticized by civil libertarians and the Police Association. Under the vetting program being considered by the police ethical standards department, DNA testing would be used to catch recruits who have committed crimes or to detect those who did so in the future.
4. "Law & Order." The Atlanta Journal-Constitution, June 8, 2004.  
In Georgia, a condemned child killer has failed in his bid to use a new state law to have DNA evidence tested. The state Supreme Court, in a 5-2 decision, upheld rulings that the evidence would not have made a difference in the outcome of the man's trial. Unless his lawyers win an appeal, he will be scheduled for execution. He had been seeking DNA testing of blood found on a mattress pad and a baby blanket belonging to the victim.
5. "Suspect In Linden Rapes Is Captured." Columbus Dispatch, June 8, 2004.  
In Ohio, a man has been arrested as a suspect in 11 rapes that have been linked to him through DNA, including one in California. In all, the man is a suspect in at least 20 rapes. The man's DNA sample was obtained in September 2001 while the suspect was in prison, but federal funding that was being used to analyze DNA had dried up and new funds were not available until June 2003. The sample became part of a backlog and was not analyzed until March this year. During the interim, the man had been released from prison and committed at least five rapes that could have been prevented. Detectives noted that, "at least the state continued to take swabs even when they didn't have the money to process them." The man's prior convictions include robbery, burglary and theft by receiving. A republican legislator has been working with the Attorney General on a bill to require DNA from all convicted felons.
6. "Judge dismisses part of fired police chemist's lawsuit." The Associated Press State & Local Wire, June 8, 2004.  
In Oklahoma, a federal judge has dismissed parts of a fired police chemist's wrongful termination lawsuit against Oklahoma City and several officials. The judge cited at least eight cases where evidence suggested the chemist offered wrong or reckless testimony. He also pointed to a Serological Research Institute audit of the crime lab while the chemist was working there, saying the report criticized her work on several cases. A Deputy Chief and a Captain with the police force remain as defendants. They are accused of conspiring to terminate her after she reported sexual harassment of another woman. A former police lab forensic chemist is the also still a defendant.
7. "Sacramento cops to arrest Washington inmate for 1980 killings." The Associated Press State & Local Wire, June 8, 2004.  
DNA evidence from a 1980 double murder in California has been matched on the DNA database to a Washington state prison inmate. The inmate is serving a 13-year sentence for the 1997 rape of a child, and is expected to be brought to California within weeks to be charged in the 1980 deaths of two University of California, Davis, students. Detectives say a DNA profile gleaned from semen on a blanket found inside one of the victim's abandoned van matches that of the inmate, who is scheduled to be released in November 2010. The hit was made in 2002, but the department did not make an immediate arrest so they could gather other evidence, and because the suspect was not endangering the public.
8. "House approves bill to recompense wrongly convicted." The Associated Press State & Local Wire, June 8, 2004.

In Louisiana, the House of Representatives has passed a bill to provide compensation for the wrongly convicted. Compensation will include money, job training, counseling and educational benefits from the state. Only those who have been pardoned by the governor because they were falsely convicted or those who have had their convictions thrown out by a court - based on DNA or other forensic testing – are eligible.

9. “Govt To Buy DNA Gadget.” *New Vision (Uganda)* – AAGM, June 8, 2004.  
Uganda has ordered for a DNA testing machine from the United States worth US \$ 230,000. The equipment is expected to be installed by the end of the year, and two government chemists were due to leave for Nairobi for training in how to use the new equipment. The machine is expected to help in criminal investigations, in identifying accident victims and determining the paternity of children whose parentage were disputed. Previously, the Government used to spend a lot of money to send DNA samples to Kenya or South Africa for analysis.
10. “Senator Orrin G. Hatch (R-UT) Holds A Hearing On The Federal Government's Counterterrorism Efforts.” *Federal Document Clearing House*, June 8, 2004.  
During opening statements on a hearing on terrorism, US Senator Orin Hatch (Judiciary Committee Chairman), stated that S. 1700, which would provide funding for DNA backlogs and post conviction testing, is on the committee’s markup agenda and that Hatch expected the Senate to pass the bill. He expects the bill will be brought to the President for signature.
11. “Taking felons' DNA in dispute.” *The Baltimore Sun*, June 7, 2004.  
Constitutional issues surrounding Maryland's DNA databank were debated before the state’s highest court. Defense lawyers for a rape suspect are asking the court to rule that forcing felons to give DNA samples is unconstitutional. The convicted armed robber is challenging the state law that landed his DNA in the state databank and enabled prosecutors to allege last year that he raped a woman in 1996. Maryland’s DNA database holds 29,000 genetic profiles and has yielded 131 apparent matches to other cases or people, and 149 more that aided investigations. The Electronic Privacy Information Center has submitted a brief contending DNA collection amounts to a slippery slope that could turn a databank into a paternity testing service, a research gold mine for scientists, a health-information source and more. Arguments against databanks have failed elsewhere.
12. “Crime Labs Face Crisis; Strike To Hit DNA Clues.” *Birmingham Evening Mail*, June 7, 2004.  
In England, union leaders preparing to lead strike action claimed that time taken to process DNA samples might double, causing a major headache for police forces around the country. Forensic Science Service staff at two sites in Birmingham were due to launch their action as part of a national protest over a 1.1 per cent pay offer. The Union claims that staff morale was being undermined by poor pay, despite a healthy surplus reaped by the service last year. An FSS branch secretary predicted the withdrawal of goodwill and refusal to work extra hours would have a significant effect and lead to mounting delays. He warned that the current 42-day turnaround target for 90 per cent of DNA checks could double as a result of the strike.
13. “Judge in 1986 rape case rejects new DNA tests.” *Chicago Tribune*, June 6, 2004.  
In Illinois, a Lake County Circuit Court judge has rejected a request for DNA testing of recently discovered biological evidence in a 1986 rape conviction, despite crime laboratory reports that appear to exclude him as the victim's attacker. The judge denied a motion for DNA testing of a vaginal swab found at the Northern Illinois Crime Lab, saying lawyers for the inmate had not made a clear showing that testing the swab would produce valuable evidence.
14. “Dispute continues over DNA from case of executed Virginian.” *The Associated Press State & Local Wire*, June 6, 2004.  
Virginia’s Governor is expected to decide in the coming weeks whether to order new DNA testing on evidence that has been sitting for 14 years in a California laboratory. The evidence is about one-fifth of a drop of sperm recovered from the body of a woman who was raped and murdered in her home in 1981. The results could answer whether a man was put to death in 1992 for a crime he did not commit. A decision for testing could be complicated further by a dispute over who would conduct the tests. Edward Blake, the forensic scientist who has kept the remaining sample frozen since he performed initial DNA tests in 1990, said that he will not hand over the evidence if the governor were to order it tested by Virginia authorities.
15. “Judge warns prosecutors in Bryant case.” *The Denver Post*, June 6, 2004.  
In the Kobe Bryant sexual assault case, the presiding judge has warned prosecutors that he may impose sanctions on them for failing to follow one of his orders regarding DNA testing. The accuser claims she had sex only once in

the time surrounding the alleged attack, and that was with a partner using a condom several days before her encounter with Bryant. However, the defense believes that DNA testing could prove otherwise. Because the DNA testing is critical, the judge granted the defense's request that their DNA expert be present at DNA testing done by the prosecution. But early last week, the defense said they were notified that the prosecution had chosen a lab that will not permit their expert to witness the testing.

16. "Prosecutor: Rape cases easier now." Sunday Advocate (Baton Rouge), June 6, 2004.  
In Louisiana, a prosecutor in a serial rape case believes the rapist, now convicted, would have been a free man if the state had prosecuted him 10 years ago for the same crimes. Moreover, many prosecutors would have refused to take the case back then. DNA evidence was considered new and not widely used at the time, and many of the victims were prostitutes. "Quite honestly, I wonder if you didn't have DNA, would he still be out there? Mostly likely." Three of the six rapes the man was convicted of raping were linked to him through DNA. In all, investigators believe the man is tied to 11 rape cases and one attempted rape.
17. "Sex offender convicted in 2nd assault." Chicago Tribune, June 5, 2004.  
In Illinois, a Cook County jury needed less than 90 minutes to convict a man of a second sexual assault in a 2000 spree of attacks against Asian women in the city and suburbs. Prosecutors centered their case on one victim identification and on DNA evidence that pointed to the suspect and "no one else in the entire universe." The Assistant Public Defender attempted to dismiss the DNA evidence as "statistical extrapolation" from a science still in its infancy. The man faces charges in seven other similar cases.
18. "74-year-old man faces arrest over heist of cash van." The Daily Yomiuri (Tokyo), June 5, 2004.  
In Japan, Osaka police plan to arrest a 74-year-old man on suspicion of robbing a cash transport van in Osaka in 2001. The police discovered the suspect's involvement through DNA testing. The police reportedly found human cell fragments on items believed to have been left behind by a culprit at the scene of the crime. But because the fragments were severely damaged, it was extremely difficult to conduct an ordinary DNA analysis. Instead, police had the mitochondrial DNA testing completed at the National Research Institute of Police Science. The test results reportedly indicated that it was highly likely that the cells came from the suspect.
19. "Police identify sexual assault, murder suspect." The Gazette (Montreal, Canada), June 5, 2004.  
In Canada, DNA evidence has helped Montreal police identify a suspect in four sexual assaults and the slaying of a woman in the city's north end in October. The four sexual assaults and the homicide occurred last year between June 4 and Oct. 31. A DNA sample taken after the man pleaded guilty to an armed robbery helped police in their case.
20. "Inmate pleads guilty to molesting girl in '91." The Indianapolis Star, June 5, 2004.  
In Indiana, an inmate has pleaded guilty to molesting a 5-year-old girl, after eluding justice for nearly 13 years. After the attack in 1991, police recovered seminal fluid, but at the time there was no national DNA database, and genetic testing technology was less sophisticated. The case had been listed as inactive until last year, when the detective for the case had a conversation with a colleague who said advances in DNA testing expanded the possibility of solving cold cases. When the evidence was resubmitted for testing, it was found to match a Missouri inmate who had been convicted of a 1992 sexual assault of a child.
21. "Justices won't hear rest of Lee case issues." Saturday State Times/Morning Advocate (Baton Rouge), June 5, 2004.  
The Louisiana Supreme Court has refused to hear arguments on all of the remaining pre-trial issues in the first-degree murder case of the accused Baton Rouge serial killer. Defense attorneys had asked the Supreme Court to review and overturn lower court rulings that denied the man access to more money, that allowed prosecutors to use evidence of other crimes, and that allowed the use of DNA evidence obtained from a DNA swab of the suspect taken just weeks before his arrest. The defense attorneys contend authorities used a subpoena to get the DNA when they should have used a search warrant. Prosecutors had countered that there is not only one acceptable way to get DNA and that the authorities got a state judge to review the subpoena, and sign an attached order, prior to serving the legal document at the suspect's residence and acquiring the DNA.
22. "Toothpick Leads To Indictment In 1991 Killing." Tampa Tribune, June 5, 2004.  
In Florida, a man has been indicted on a 1991 murder charge after DNA taken from a toothpick he had used was matched to the crime scene. The man had always been a suspect, but other evidence, such as his fingerprints in her home, could be explained because he knew the victim. However, the man had refused to give a DNA sample in

1992 and again in April 2004. When detectives spoke with the man in prison, he chewed on a toothpick then set it down. One detective tried to grab it, but the man put it in a pocket in the top of his jail uniform and said, "I'm going to save that for later." The investigators asked correctional officers to look for the toothpick, and they found it in a wastebasket after the man was returned to his cell. That made it abandoned property, so investigators put it in a container they had brought in case the man agreed to have his mouth swabbed. The DNA profile from the toothpick matched a profile from skin scraped from the victim's fingernails at the crime scene. The man has been serving a 30-year sentence for the attempted murders of two women in November 1991 and was scheduled for release in July.

23. "Kenai dog dispute winds up in court." The Associated Press State & Local Wire, June 4, 2004.  
In Alaska, a judge has ordered a DNA testing in a custody case surrounding a dog. The dog had gone missing as a puppy in 2002, and was recently spotted by the original owners. However, the current owners claim their dog is not the missing puppy. Hair from the dog on a blanket that the first owners had kept in the hope the dog one day would return was to be taken to a veterinary hospital. The current owner was ordered to bring the dog to the same veterinarian so that a hair sample could be collected for comparison, but after three months, several missed veterinary appointments the current owner said the dog had run away. The magistrate ordered that unless the dog was produced within two weeks for DNA testing, he would rule in favor of the original owner and the current owner would be responsible for paying \$4,000 - half the amount of a maximum loss allowably claimed in small claims court. The dog still has not appeared.
24. "DNA found on JonBent yields no match." The Denver Post, June 4, 2004.  
A DNA profile of blood taken from JonBenet Ramsey's underpants does not match any of the more than 1.5 million DNA profiles in the FBI's database, according to the Denver Police Department's crime lab. The Ramsey's defense attorney adds that Ramsey family members also do not match the DNA profile. The DNA profile submitted in November came from a spot of blood found in the crotch of the underwear JonBenet was wearing when her body was found.
25. "'Babies in bags' arouse Kenyan abortion foes." National Post (Canada), June 4, 2004.  
In Kenya, the discovery of the remains of 15 aborted fetuses, some nearly full term, dumped in plastic garbage bags by a river on the outskirts of Nairobi has sparked a raging debate over abortion. Like most of Africa, Kenya outlaws abortion except when a mother's life is threatened. Only Tunisia, Cape Verde and South Africa permit abortion on demand during the first trimester of pregnancy. Kenyan police have begun DNA tests on the remains to determine the mothers' identities.
26. "Virginia Verifies 2,000 DNA 'Hits'." Richmond Times Dispatch, June 4, 2004.  
Virginia's forensics laboratory has recorded its 2,000th DNA "cold hit" in a program that has helped solve murders, rapes and other crimes for more than a decade, officials announced. The databank, begun in 1989, holds DNA samples from more than 216,000 felons and, since last year, those arrested for violent felonies. The milestone was reached on May 28, in a burglary and grand larceny case. The DNA in blood on a scrap of paper matched that of a felon. It took eight years to reach the first 1,000 hits, but because the databank has grown so rapidly, only 18 months to reach the second 1,000. About 11 percent of the cases assisted or solved by the hits were murders; 1 percent were sex crimes; and 59 percent were property crimes. The rest were various other crimes.
27. "Dandruff DNA Traps A Burglar." The Sun, June 4, 2004.  
In England, a burglar was arrested for two break-ins in two days after DNA tests identified his dandruff. The man stole Pounds 10,860 in jewelry, cash and CDs from one house -and took a baseball cap. He wore that cap during another burglary next day, but it fell off as the residents chased him from their home. DNA experts found his dandruff on the hat and he was arrested for the February raids. He has convictions for theft, handling stolen goods and possessing drugs, and has admitted the burglaries.
28. "British school-girl murder trial gets underway Monday." Agence France Presse, June 3, 2004.  
In France, the trial for a Spanish drifter accused of raping a murdering a 13 year-old British schoolgirl at a Brittany youth hostel nearly eight years ago. Avidly followed by the British media, the case was dogged by accusations of incompetence on the part of the French police. The vital early days of the investigation were wasted with the wrongful arrest of a tramp, who spent 17 days in jail before being exonerated by DNA tests. The publicity generated by the murder later led to major innovations in the conduct of French criminal enquiries, with the first ever large-scale DNA tests. The Spaniard was eventually arrested in the United States in March 2001 after committing a sexual assault in a Miami hotel. He was identified only thanks to an American police officer who on

holiday in London read an article about the case and suggested a link. DNA evidence from the crime was a match to the man.

29. "Defense Eyes DNA Evidence In Rape Trial." The Boston Globe, June 3, 2004.  
In Massachusetts, a man accused of a 2001 rape is scheduled to go to trial. Although the prosecution has DNA evidence, he intends to argue that the rapist could have been his identical twin brother who shares his DNA. The man has already used the same defense in the trial of a 2000 rape. He was unsuccessful in this trial. The man was first connected to the two rapes after he cut himself smashing a window, and investigators linked the DNA in blood found at the scene to the DNA in semen recovered in two rape investigations in the neighborhood.
30. "News briefs from California's Central Coast." The Associated Press State & Local Wire, June 3, 2004.  
In California, a landscaper has been arrested on suspicion of murder after analysis DNA evidence linked him to the crime. "This is significant because it's the first time we've made a murder case in San Luis Obispo County based on a DNA match," said the county Sheriff-Coroner. The man had been considered as a suspect in the case over the years, but deputies never had enough evidence to take action. He was convicted of assaulting another woman about two years after the 1985 murder and when he emerged from prison in 1991 state law enforcement officials took a DNA sample from him before he left. Upon learning of a new emphasis on DNA testing from state Attorney General Bill Lockyer's office, local authorities resubmitted crime scene evidence from Waterbury's murder last year and learned of a match to the man's DNA on May 14.

Authorities found the victim's body about two days after she disappeared on Oct. 19, 1985. The 23-year-old San Luis Obispo woman's brother notified police she was missing after he went to look for her at the park and found her car abandoned.

31. "Army sex-assault cases jump 25% in 5 years." The Denver Post, June 3, 2004.  
Allegations of sexual assault in the Army shot up nearly 25 percent during the past five years while problems abounded in the handling of cases, according to an internal report. In the report, an Army task force said it is hard to say how common the problem is because sex crimes are widely unreported. The report lists dozens of recommendations from requiring commanders to report all sexual-assault incidents to fixing backlogs in processing DNA evidence in rape cases, which often takes six months or longer.
32. "Prepared Testimony Of Reginald J. Brown, Assistant Secretary For Manpower And Reserve Affairs Before The Subcommittee For Total Force Of The House Armed Services Committee Subject: Sexual Assault Prevention And Response In The Armed Forces." Federal News Service, June 3, 2004.  
Excerpt of testimony: "A backlog of DNA evidence is waiting for processing at the United States Army Criminal Investigation Laboratory (USACIL). The USACIL is the only laboratory authorized to conduct DNA forensic testing for the DoD. The demand for DNA testing in a wide variety of criminal, operational, and administrative cases has more than doubled in the last 4 years and is expected to continue to increase. Current laboratory resources are not sufficient to meet increased demand.
33. "Prepared Testimony Of William A. Navas, Jr., Assistant Secretary Of The Navy (Manpower And Reserve Affairs) Before The Subcommittee For Total Force Of The House Armed Services Committee Subject: Sexual Assault Prevention And Response In The Armed Forces." Federal News Service, June 3, 2004.  
Excerpt of testimony: "DNA Evidence The DoD Task Force on Care for Victims of Sexual Assault addressed the issue of the backlog of DNA evidence for forensic evidence in military sexual assault cases. All of the Services are also looking at this issue. The backlog of DNA evidence waiting for processing can cause hardship to sexual assault victims who must wait for test results and command decisions with respect to dispositions of alleged offenses. In the Department of the Navy, NCIS is considering several options to modernize the Regional Forensic Laboratories to improve DNA testing capabilities and turn around times."
34. "Dead right." New Straits Times (Malaysia), June 3, 2004.  
In Malaysia, from 1995-2003, DNA analysis has been performed on a total of 3,000 cases comprising almost 14,000 samples. Of these, murder (inclusive of rape/murder cases) accounted for 30 per cent of the total; rape alone, 40 per cent, and paternity, 13 per cent. In 1995, only 104 cases involving 370 samples were analyzed. Last year, 694 cases involving 4,036 samples underwent forensic DNA analysis. Last year, the government said Malaysia was ready to start a criminal DNA database.
35. "Identical twins complicate use of DNA testing in crime solving." USA Today, June 3, 2004.

Cases of DNA database hits to twins are on the rise as the number of offenders in DNA databases continue to rise. Cases of known twin hits include two cases in Virginia, a Michigan case and a Texas case, along with several cases in England. Most cases have been resolved easily due to the other twin's incarceration at the time of the crime. However, the Michigan case may be more difficult as both brothers were in the area at the time of the crime. Research is underway to determine a way to detect DNA differences in twins, but current tests are expensive and time-consuming, and have not yet been accepted in a criminal court.

36. "Crime lab had no duty to disclose exculpatory evidence." St. Louis Daily Record/St. Louis Countian, June 2, 2004.  
The 8<sup>th</sup> US Circuit Court of Appeals has ruled that even though crime lab test results supported DNA testing that ultimately overturned a man's convictions for kidnapping, rape and sodomy, the Missouri crime lab's failure to produce those results prior to trial does not give the man a valid claim for damages under 42 U.S.C. Section 1983. The issue, according to the man's appellate counsel, is whether the crime lab has a constitutional duty to disclose exculpatory information to the prosecuting attorney so it can be disclosed it to the defense. Framing the issue more narrowly, the 8th Circuit panel opinion concluded that the defense attorney had been put on notice of the existence of the results during a lab serologist's deposition and that there had been no bad faith in the crime lab's failure to produce the detailed results in addition to its summary report.
37. "Bill expands DNA database." The Providence Journal (Rhode Island), June 1, 2004.  
The Rhode Island Senate has passed legislation to require DNA samples from all convicted felons, with only two Senators voting against the bill. The bill would apply retroactively to anyone convicted since 2001. A similar bill introduced last year at the request of Attorney General passed the Senate but died in the House. Currently, anybody convicted of a "crime of violence," as described in the state weapons law, is included in the DNA database. Some of those crimes are: murder, manslaughter, rape, first- or second-degree sexual assault, first- or second-degree child molestation, kidnapping, first- or second-degree arson, breaking and entering, and assault with a dangerous weapon.
38. "Swabbing suspects for DNA could help prevent crime." Chicago Sun-Times, May 30, 2004.  
Editorial in favor of Illinois legislation to require DNA from violent felony arrestees. Excerpt reads, "Illinois has established itself as a state where DNA testing is a high priority. Gov. Blagojevich last year committed his office to freeing up millions for the testing of DNA evidence from more than a thousand rape victims that was still awaiting processing. A law requiring the collecting of DNA evidence from those arrested for victimizing people with violent crimes would be a sound next step. We need only look at the flawed transmission of fingerprints that led to the recent wrongful arrest of an Oregon man after the train bombing in Spain to appreciate the need for higher standards in crime detection. DNA swabbing fits the bill."
39. "Con hoped DNA would clear him in nun's rape -- but it didn't." Chicago Sun-Times, May 30, 2004.  
In Illinois, post conviction DNA testing for a man convicted of raping a nun in 1990 has apparently further confirmed the man's guilt. The man sought the DNA testing thinking that it would prove his innocence, but the testing has matched his DNA to evidence from the crime. The man was on parole for burglary when he assaulted the 62-year-old nun at a school after binding her hands and feet. The attack occurred while the nun was locking up.
40. "Bill to require DNA swabbing after arrests stalls in Legislature." Chicago Sun-Times, May 30, 2004.  
In Illinois, legislation to require DNA samples from felony arrestees has stalled in the Senate after passing the House. Concerns relating to genetic privacy have played a significant role in the bill's delay. The bill's chief sponsor has all but given up as the session winds down. She has even ruled out a compromise that would have the DNA automatically expunged if a person is not charged with the crime. Like other proponents, she argues that DNA is a sophisticated fingerprint -- and fingerprints are not automatically expunged after arrests. "We are talking everyday, real crime that could mean the difference between a woman having to spend the rest of her life as a rape victim or be dead," she said. "Knowing that we could have prevented that from happening is a difficult thing for me to swallow."
41. "Suspect charged in 1985 murder." The Orange County Register (California), May 27, 2004.  
In California, a man has been charged with a 1985 murder after a cold hit on the DNA database linked him to the crime. There were no leads in the case but knowing the DNA database was operational motivated Anaheim investigators to review unsolved crimes in which they had DNA evidence. State officials said there is a backlog in running all 220,000 samples from current and former inmates, but that samples are routinely run before an inmate is released. Statewide, more than 700 matches have been made since 2002. The man had a previous conviction for a

1989 kidnapping and sexual molestation case, and was scheduled to be released from prison in mid-May.

Genetic Research / Privacy

42. "Ohio considers bill aimed at helping prevent cervical cancer." University Wire, June 3, 2004.  
In Ohio, a bill has been introduced to require insurance companies to cover the cost of the new technology screening for cervical cancer that includes a human papilloma virus DNA test. This testing meets the newest guidelines from the American College of Obstetricians and Gynecologists.