



Gordon Thomas Honeywell Governmental Affairs provides services to Applied Biosystems. As part of this representation, the firm generates weekly reports on state and federal legislation and news articles. Applied Biosystems has authorized Gordon Thomas Honeywell Governmental Affairs to make these reports publicly available through this website. The information presented in these reports does not necessarily reflect the viewpoints of Applied Biosystems or Gordon Thomas Honeywell Governmental Affairs.

The January 2007 DNA Resource Report is listed below, along with a summary. These reports are prepared on behalf of Applied Biosystems.

This report is developed by Tim Schellberg and Lisa Hurst on behalf of Applied Biosystems.

LAW ENFORCEMENT: Investigations and prosecutions aided by DNA evidence include:

- California – a cold hit identified murderers (1975 case; 1978 case). DNA links a serial killer to more murders; and identified murder suspects (DNA from handcuffs).
- Colorado – DNA links a man to a rape.
- Florida – DNA evidence identified a robber (1988 case)
- Iowa – a cold hit identified a murder suspect (1986 crime, on databased for drunk driving)
- New Jersey – DNA evidence identified a rapist
- New York – “Bike path rapist” identified DNA evidence.
- Maryland – DNA evidence identified a rapist
- Missouri – a cold hit identified a rapist
- Utah – a cold hit identified a murderer (1986 case)

POLICY AND FUNDING ISSUES:

Expansion -- A West Virginia prosecutor is calling for arrestee DNA legislation. New bills to require DNA from certain felony arrestees include proposals from: Arizona, Connecticut, Hawaii, Illinois, Indiana, Maryland, Michigan, Oklahoma, Tennessee and Vermont – a total of 20 states have introduced arrestee legislation for 2007. Maine has introduced legislation to require DNA from all convicted felons.

Post Conviction – Post conviction DNA testing bills were introduced in Missouri, Texas, Vermont and West Virginia. A county in Texas has exonerated more inmates through DNA than many states.

Statute of Limitations – Bills addressing the statute of limitations for prosecuting crimes for which DNA evidence is available were introduced in Arizona, New York, and Tennessee.

Backlogs – Wisconsin is reviewing options and possible statutory changes to help it reduce its DNA casework backlog. The Los Angeles Police Department has over 3000 backlogged cases.

OTHER FORENSIC DNA ISSUES: Bills in Illinois and Indiana address issues surrounding provision of forensic exams to sexual assault victims, and bills in Texas and South Dakota would require DNA samples for abortions performed on minors. A Vermont bill would establish a forensic science oversight commission; and a Florida bill addresses forensic training and technical assistance needs.

INTERNATIONAL NEWS: The European Union countries are moving forward on a proposal for greater sharing of DNA database information. Ireland was urged to act quickly to establish a DNA database.

- Canada – DNA tests on a newborn prove incest
- England – DNA links a man arrested for attempted rape to another rape.

STATE LEGISLATION

Database Expansion

1. Arizona HB 2611 -- Expands DNA database to include anyone arrested for murder, assault, sex assault, dangerous crimes against children, arson, burglary, kidnapping, beginning January 1, 2008.
2. Arizona SB 1267-- Expands DNA database to include anyone arrested, beginning January 1, 2008.
3. Connecticut HB 6293-- Expands DNA database to include anyone arrested for a violent sexual assault
4. Connecticut SB 838-- Expands DNA database to include anyone arrested for a class A or B felony
5. Connecticut SB 841-- Expands DNA database to include anyone arrested for "certain serious crimes."
6. Connecticut SB 894-- Expands DNA database to include anyone arrested for murder or sexual assault
7. Florida HB 697-- Expands DNA database to include misdemeanor convictions of stalking, voyeurism, videotaping of persons in dressing rooms, computer pornography, and exposing children to pornography.
8. Hawaii HB 686-- Expands DNA database to include juvenile adjudications for felony offenses.
9. Hawaii SB 799 -- Expands DNA database to include anyone arrested for a felony offense.
10. Hawaii SB 836 -- Expands DNA database to include juvenile adjudications for felony offenses.
11. Illinois SB 1315 -- Expands DNA database to include anyone arrested for a felony offense.
12. Indiana HB 1730-- Expands DNA database to include adult felony arrests for murder and sex crimes. Also includes all adult convictions and juvenile adjudications for sex offenses registry crimes.
13. Maine SB 76--Expands DNA database to include all sex offender registry convictions.
14. Maryland SB 169-- Expands DNA database to include arrests for felony burglary.
15. Michigan HB 4092-- Expands DNA database to include arrests for violent felonies.
16. New York HB 3687 -- requires the state to submit a plan to the legislature to include all penal law misdemeanors on the state DNA database, prohibits DNA identification databases not authorized by statute
17. Oklahoma SB 659 -- Expands DNA database to include any person arrested for a felony crime.
18. South Carolina HB 3255 -- Expands DNA database to include any person arrested for a felony crime.
19. Tennessee HB 867 & SB 1196 -- Expands DNA database to include violent felony arrests.
20. Texas HB 339 -- Expands current DNA database statute for certain felony arrestees to also include murder and manslaughter.
21. Texas HB 883 -- Expands current DNA database statute for certain felony arrestees to also include capital murder.
22. Vermont HB 181 -- Expands DNA database to include any person arrested for or cited with a felony crime.

Post Conviction

23. Missouri HB 584 -- Limits who may apply for post-conviction testing to individuals with a possible prison sentence of at least seven years. Requires that DNA evidence be retained for such period of time that the individual convicted remains incarcerated.
24. Texas HB 681 -- Provides for post conviction DNA testing.
25. Vermont SB 6 -- allows a person convicted of a crime to file a petition requesting forensic DNA testing of any evidence which may contain biological evidence that was obtained during the investigation or prosecution of the crime.
26. Washington HB 1890 -- "DNA Testing Act of 2007" requires DNA evidence prior to the imposition of the death penalty.
27. West Virginia HB 2124 -- Provides for post-conviction motions for DNA testing for all capital death penalty cases.

Statute of Limitations

28. Arizona SB 1326 -- allows prosecution for a violation involving participation in a criminal syndicate or street gang after the time limit has expired if DNA evidence is discovered following the time limit expiration.
29. New York SB 2374 -- Provides for tolling of the statute of limitations in criminal cases in which the identity of the defendant is established by means of DNA evidence.
30. Tennessee SB 731 -- Provides that a prosecution can be commenced for certain sexual offenses committed on or after July 1, 2007, within the applicable period established by law or within one year after the date on which the accused's identity is established by DNA, whichever is longer.

Miscellaneous

31. Florida HB 321 -- Requires Criminal Justice Investigations & Forensic Science Program within FDLE, in consultation with partner, to provide training & technical assistance to state, local, & other law enforcement agencies in matters of forensic science, assist crime labs in becoming accredited, aid in design or redesign of forensic computer systems, & maintain equipment & supplies sufficient for FDLE to operate in another location on a temporary basis if a local crime laboratory is damaged or destroyed.
32. Hawaii SB 1333 -- Increases the crime of refusing to provide a DNA buccal swab sample from a misdemeanor to a Class C felony. Provides for the use of "reasonable force" in obtaining DNA buccal swab samples from felons who refuse to comply with the law. Eliminates the 20 working day or 5 calendar day periods allowed for the collection of DNA buccal swab samples from felons subject to collection.
33. Illinois HB 448 -- Provides that the Illinois Department of State Police shall, within 30 days after sentencing, collect and analyze DNA samples required to be submitted by a person who has been convicted of a felony.
34. Illinois SB 1618 -- Sets out the minimum requirements for hospitals providing hospital emergency services and forensic services. Creates a Section concerning minimum reimbursement requirements for every hospital, health care professional, laboratory, or pharmacy that provides follow-up healthcare to a sexual assault survivor.
35. Indiana HB 1655 -- Creates a fund to assist counties with paying for the secured storage of a sample from forensic medical examinations of a sex crime victim. Requires a provider to label a sample. Requires a hospital to give notice to a victim of certain rights and to contact law enforcement. Requires law enforcement to transport the sample to secured storage. Requires the sample to remain in secured storage for specified periods of time. Requires the institute to provide notice to victims regarding the sample.

36. South Dakota HB 1293 – Requires DNA samples to be taken from the fetus of all abortions performed on minors.
37. Texas HB 859 -- Requires DNA samples to be taken from the fetus of all abortions performed on minors.
38. Vermont SB 6 -- creates a forensic laboratory oversight commission to oversee and investigate independently the department of public safety's forensic laboratory

NEWS ARTICLES

1. "Jury orders death penalty for man convicted." Los Angeles Times, January 3, 2007.
In California, the "60 Freeway Slayer" was sentenced to death for six murders in the early 1990's in the Pomona area. The perpetrator committed several robberies for which he spent time in juvenile prison and in state prison. The murders went unsolved for years until DNA tests in 2003 connected him to the crimes. DNA evidence also linked him to two other slayings.
2. "Trial opens in case of nightclub owner accused of rape." Pueblo Chieftain, January 3, 2007.
In Colorado, DNA links a nightclub owner to the 2004 rape of a 19 year-old girl. The woman went to a party at the man's nightclub, drank alcohol and eventually passed out. The man reportedly had a bouncer carry her out to his corvette and he drove her home. When the woman awoke she found her clothes had been laundered, but the man's DNA was still discovered on her underpants. The man faces four additional trials for separate crimes involving sex assault.
3. "Proposed S.C. law would require DNA samples." Associated Press, January 4, 2007.
In South Carolina, legislation has been introduced to require DNA from anyone arrested and taken into custody for any crime. Like most states, South Carolina's law currently requires all convicted felons to provide a DNA sample. The ACLU complains the proposal is unconstitutional, but lawmakers sponsoring the bill say the law would both help catch criminals by getting repeat offenders off the street faster and verify if a person is innocent. The proposal allows people to get their DNA samples expunged if charges are dropped or they're proven innocent.
4. "Man, 21, jailed after seven rapes." Nottingham Evening Post, January 4, 2007.
In England, a man arrested for raping a woman in her home on four different occasions was subsequently linked through DNA to another rape in the city. After the fourth rape, the man broke into the woman's home a fifth time but she was able to press a panic button and he was arrested. The woman had not reported the previous rapes because she was embarrassed.
5. "Inmate freed after DNA." Dallas Morning News, January 5, 2006.
In Texas, a man who has always maintained his innocence in a 1999 rape case has been freed by post conviction DNA testing. He served seven years of a fifty-year sentence for the 1999 sexual assault. In August 2001, the man began his appeals for a post-conviction DNA test. Genetic tests completed in early 2006 found that his DNA was linked to the rape. He is the 11th Dallas County man to be exonerated and released from prison in the last five years thanks to DNA testing.
6. "Man sentenced to life for killing of student." Associated Press, January 8, 2007.
In Maryland, a man who pleaded guilty to murdering a Johns Hopkins student during a burglary was sentenced to life in prison. DNA evidence linking the man to tissue discovered under the victim's fingernails. The murder prompted Johns Hopkins to speed up campus security improvements. The man was not a student, but was often found hanging around sorority girls. He also admitted to burglarizing them on occasion.
7. "Colorado man linked to rape." Contra Costa Times, January 9, 2007.
In California, a cold hit on the DNA database identified a suspect in the 1979 murder of an 8 year old girl. The man had not been a suspect until his DNA was linked to semen left on the child's body. He was serving time in a Colorado prison for molesting a 12-year-old boy when the match was made. The defense is questioning the integrity of the DNA evidence, which it says was handled by a former coroner's assistant with a questionable career record.

8. "DNA links inmate to slaying." San Jose Mercury News, January 9, 2007.
In California, San Jose police say a cold hit on the DNA database has helped them finally solve a 1975 murder mystery. The case did not have a single lead for 31 years, but in December of 2006, a DNA sample taken from the crime scene was matched on the state database to a man serving a life sentence. Detectives noted, "The amazing part is that, 30 years ago, they were collecting stuff that really they had no reason to collect," Morales said. "The professionalism back then is why we are having so much success now." The suspect has with convictions for kidnapping, robbery and at least one rape conviction.
9. "Prosecutor wants more DNA taken." Charleston Daily Mail, January 8, 2007.
In West Virginia, the Kanawha County Prosecutor is asking lawmakers to sponsor legislation that would require every person arrested on a felony charge to submit a DNA sample. The prosecutor said that expanding DNA sampling in this way could lead to more cold cases getting solved. He said DNA is a precise investigatory tool and the state should take advantage of it.
10. "LA police have a backlog of over 5,000 rape kits." Associated Press, January 11, 2007.
In California, the Los Angeles Police Department reportedly has a backlog of over five-thousand rape kits that have not undergone DNA testing because of a lack of resources. This information was presented to the California Commission on the Fair Administration of Justice by police and victim advocates. A rape treatment center director said that sexual assault is repetitive, and a backlog could be allowing repeat offenders to commit crimes longer. A budget has been sent to the city's Mayor to more than double the size of the DNA staff from 29 to 71 over a two-year period. California's backlog of offender samples has been reduced in recent months from 300,000 samples down to 175,000 samples.
11. "Chesterfield police obtain felony warrants." US State News, January 10, 2007.
In Missouri, a cold hit on the DNA database resulted in eight felony warrants related to an incident in which a female jogger was attacked and sexually assaulted at knifepoint. Police collected a reference sample from the man, who was being held in jail on unrelated charges, and the match was confirmed.
12. "Crime lab backlog monstrous." Milwaukee Journal Sentinel, January 13, 2007.
In Wisconsin, eliminating the backlog of DNA evidence at the state crime laboratory would take analysts up to 20 months, even if no new evidence were submitted. This issue became a focal point for the attorney general campaign. Analysts are currently working on projections for how many forensic scientists and how much funding would be necessary to catch up. The departments are also considering outsourcing evidence to private crime labs. The Attorney General indicated that the department is evaluating how outsourcing evidence would help with the problem and will ask lawmakers to give crime lab analysts greater leeway in determining which pieces of evidence should be tested and how many tests to do from each crime scene.
13. "Serial rapist convicted again for attack on collegian." Star-Ledger, January 13, 2007.
In New Jersey, DNA helped to identify and convict a man of sexually assaulting a 21-year-old Rutgers University student. Police had no suspects in the case until the man was caught attempting to break into an apartment and a DNA sample was collected which was found to match the sexual assault. The man is already facing 50 years for raping two other women in different towns.
14. "Arizona man charged in connection with homicide." Associated Press, January 13, 2007.
In Utah, prosecutors have charged an Arizona man in connection with the 1986 death of a teenager. The 14-year-old girl was found in a ditch west of downtown Salt Lake City in 1986. New DNA tests on fingernail clippings and stains on the victim's shirt linked the man to the crime, who had long been considered a general suspect.
15. "EU support for greater police DNA data sharing." Agence France Presse, January 15, 2007.
In Germany, a majority of EU interior ministers support a proposal to share DNA and fingerprint data to fight crime and terrorism. Britain, Czech Republic, Ireland, and Poland held out for more time to examine the financial and judicial implications of the proposal. The treaty would allow countries more complete access to a variety of electronic forensic databases, including fingerprinting and DNA databanks.
16. "Suspect arrested." Associated Press, January 15, 2007.

In New York, a two decade hunt for a sex predator dubbed the "Bike Path Rapist" culminated with the arrest of a 48-year-old married man who police say was linked by DNA evidence to a jogger's strangling death last fall, two rape-murders in the early 1990s and a series of rapes dating to the 1980s. Authorities said they obtained a DNA sample from the man that matched evidence found at the scenes of the three homicides and several of the rapes. "Old-fashioned police work brought everything together and DNA evidence sealed the deal," said the Erie County District Attorney. Several of the rapes may not be prosecuted because the statute of limitations has lapsed.

17. "Man pleads no contest to 1988." Tampa Tribune, January 9, 2007.
In Florida, DNA has identified a suspect in a robbery from 1988 in which the victim died of a heart attack immediately after a robbery. Advances in DNA technology allowed investigators to link blood found on the victim's pants to the man. Prosecutors eventually agreed to a plea deal because of the age of the case and the deaths of several witnesses.
18. "Ireland needs DNA database." The Sun, December 27, 2006.
In Ireland, the justice minister was urged to set up a DNA database following a forensic breakthrough in the Suffolk Strangler case. The case was finally solved after a cold hit on England's DNA database. A city councilor said that the case was highly dependent on DNA, and that the critical nature of a DNA database in solving crimes cannot be overestimated. The government has committed to building a database, but there are concerns that the project will not move as quickly as police would like. The city councilor said that Ireland needs to take "swift action" on the database.
19. "Dallas County to exonerate another man based on DNA." Associated Press, January 16, 2007.
In Texas, a man convicted of raping a child in 1983 is expecting to be formally exonerated, making him the 12th Dallas County man since 2001 to be cleared based on DNA evidence. He has been on parole since 1993. Only New York and Illinois have more DNA exonerations than Dallas County. Members of the government called this an international embarrassment, and the cases should be appalling examples of why we need to be more sure of who we convict. In Dallas County, about 400 prisoners who filed wrongful conviction claims have received DNA testing, leading to the 12 exonerations.
20. "Native elder facing new sex charges." Winnipeg Free Press, January 17, 2007.
In Canada, a Manitoba native elder who impregnated his 13-year-old granddaughter has been granted statutory release from prison, even though he is currently facing sex charges. The girl tried to stonewall police by attempting to smother her child to prevent investigators from taking a DNA sample, according to police sources. The child was unharmed and removed by child welfare agencies. The teen's brother had already been sentenced for raping her when rumours began flying in the northern Manitoba community about the father of her then-unborn child. A child welfare official obtained a DNA sample from the infant, which proved the teen's grandfather and not her brother was the father.
21. "Two convicted in California reservoir bodies scheme." Associated Press, January 17, 2007.
In California, two men were convicted of orchestrating a kidnapping-for-ransom scheme which resulted in five murders. Russian immigrants were targeted for ransom, and were eventually killed regardless of whether the ransom was paid. All the bodies were found at the bottom of a Northern California reservoir. Among other evidence was two of the victims' DNA found on handcuffs at the perpetrators.
22. "DNA sample led to arrest." Associated Press, January 18, 2007.
In Iowa, a cold hit on the DNA database has helped authorities find a suspect in a 1986 murder case. Authorities said that the perpetrator provided a DNA sample for a state database in 2005 after a drunk driving conviction. The investigation into the murder was reopened in 2006 after the DNA match was made. Investigators believe that more of these cases will appear when the backlog is cleared.
23. "President calls for genetic privacy bill." New York Times, January 18, 2007.
In Washington DC, President Bush urged Members of Congress to pass long-stalled legislation to safeguard genetic privacy, a measure experts say would encourage millions of Americans to undergo testing that could lead to prevention and treatment of cancer and other diseases. It is important that the information is not exploited or used in improper ways, said Mr. Bush. The bill was reintroduced in the House this week, with Congress now under Democratic control the bill's backers are optimistic about its' success.