

**HB**

**210**



Moved by  
Rokeberg,  
Adopted

AMENDMENT #1

OFFERED IN THE HOUSE

BY REPRESENTATIVE ROKEBERG

TO: CSHB 210( ), Draft Version "C"

1 Page 1, line 4, following "murder,":

2 Insert "felony"

3

4 Page 1, line 7, following "murder,":

5 Insert "felony"

6

7 Page 2, line 1:

8 Delete "AS 11.41.427 - 11.41.458"

9 Insert "AS 11.41.427 - 11.41.438 and 11.41.450 - 11.41.458"

Berkowitz

Adopted

Conceptual Amendment #2

leave 10yr. SOL for class C felonies

adults  
only

- Sexual assault
- Sexual abuse of a minor

↓  
unless penetration  
↓

Class C's that involve sexual penetration  
are still SOL unlimited

BenKowitz

FAILS

Conceptual Amendment #3

do away w/ SOL in the civil code  
fix same stuff

make equal across board

22-LS0782\C  
Luckhaupt  
4/3/01

*Adopted*

**CS FOR HOUSE BILL NO. 210( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

BY

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES MEYER, Guess, Dyson, Croft, Hudson

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to sexual assault and sexual abuse of a minor."

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 \* Section 1. AS 12.10.010 is amended to read:

4           **Sec. 12.10.010. General time limitations.** A prosecution for murder, sexual  
5 abuse of a minor, or felony sexual assault, may be commenced at any time. Except  
6 as otherwise provided by law, a person may not be prosecuted, tried, or punished for  
7 an offense other than murder, sexual abuse of a minor, or felony sexual assault,  
8 unless the indictment is found or the information or complaint is instituted no later  
9 than

10                           (1) 10 years after the commission of a felony offense in violation of  
11 AS 11.41.120 - 11.41.370, 11.41.450 - 11.41.530, [AS 11.41.120 - 11.41.530] or in  
12 violation of AS 11.46.400; or

13                           (2) five years after the commission of any other offense.

14 \* Sec. 2. AS 12.10.020(c) is amended to read:

15                           (c) Even if t. general time limitation has expired, a prosecution under

1           AS 11.41.427 - 11.41.458 [AS 11.41.410 - 11.41.458], AS 11.66.110 - 11.66.130, or  
2           former AS 11.41.430, for an offense committed against a person under the age of 18,  
3           may be commenced at any time.

4           \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
5           read:

6           APPLICABILITY. The extension of the statute of limitations for sexual abuse of a  
7           minor and felony sexual assault provided in sec. 1 of this Act applies to all offenses occurring  
8                   (1) on or after the effective date of this Act; and  
9                   (2) to all offenses occurring before the effective date of this Act if the statute  
10          of limitations applicable to that offense on the day before the effective date of this Act has not  
11          expired, including any specific time periods for that offense under AS 12.10.020, as that  
12          section read the day before the effective date of this Act, and any period when the limitations  
13          period did not run under AS 12.10.040.



# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 19

## SPONSOR STATEMENT

### CSHB 210( )

**“An Act relating to sexual assault and sexual abuse of a minor.”**

House Bill 210 amends existing law by removing the statute of limitations on felony sexual assault.

Currently, there are two crimes that do not have a statute of limitations, murder and sexual abuse of a minor. HB 210 adds sexual assault to this list of extreme crimes against a person. The prosecution of sexual assault should not be limited by time. Sexual assault has life long impacts on victims, their families and friends, and our society.

New technology in DNA testing and evidence collection is allowing greater efficiency and certainty in proving crimes. New scientific procedures used in evidence collection and testing better preserve the purity of evidence. If sexual assault can be proven even 20 years from the time it occurs, our state laws should protect a victim's right to justice.

HB 210 provides the opportunity to prosecute a felony sexual assault crime no matter how much time has passed.

\*\*\*



# REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 19

## SPONSOR STATEMENT

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# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 210  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
Title: "An Act relating to sexual assault  
and sexual abuse of a minor." BRU: Legal & Advocacy Svc.  
Component: Public Defender Agency  
Sponsor: Representative Meyer  
Requester: (H) Judiciary Component Number: 1631

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	*	*	*	*	*	*

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	*	*	*	*	*	*

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill would eliminate the statute of limitations on prosecutions for any degree of sexual assault.

There would be some fiscal impact on the Public Defender Agency if this bill becomes law. Generally speaking, older cases present unique difficulties. They can be much harder to investigate. And often there are issues (such as "recovered memory") in which psychological testimony is required.

Therefore, even if there were relatively few cases, the cases that are prosecuted will most likely be expensive to defend. But, it is not possible to predict the number of cases that would be brought. Therefore, we are submitting an indeterminate fiscal note.

Prepared by: Barbara Brink, Director Phone (907) 334-4414  
Division: Public Defender Agency Date/Time April 9, 2001  
Approved by: Jim Duncan, Commissioner Date 4/9/01  
Agency: Department of Administration

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

**STATE OF ALASKA**  
**2001 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB 210  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correctio \_\_\_\_\_ Dept. Affected: Law  
 Title "An Act relating to sexual assault and sexual BRU Criminal Division  
abuse of a minor." Component 1st-4th Judicial District  
 Sponsor Representative Meyer  
 Requester House Judiciary Committee Component No. 2198-99;2201;61;79

**Expenditures/Revenues (Thousands of Dollars)**

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE (Thousands of Dollars)**

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0  
 Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget pro

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*  
 HB 210 removes the statute of limitations on when the crime of sexual assault against an adult may be prosecuted. Under current law, the crime may not be brought for prosecution after ten years have passed. (There is no statute of limitations on sexual assault or sexual abuse of a minor.)  
  
 The Department of Law expects only a handful of cases to result from passage of this legislation. As a practical matter, it is much more difficult to prosecute a case the older it gets. The department anticipates it can handle any increase in caseload with existing resources.

Prepared by: Joan M. Kasson Phone 465-5370  
 Division Attorney General's Office Date/Time 4/6/01 4:36 PM  
 Approved by: Bob Meiners for Bruce M. Botelho, Attorney General Date 4/6/01  
 Agency Department of Law

For distribution information, call the Governor's Legislative Office

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

BILL NO. HB 210

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected \_\_\_\_\_  
 Title Statute of Limitation for Sex Crimes BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Representative Meyer  
 Requester House Judiciary Component No. 768

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 210.

Prepared by: Douglas Wooliver Phone 463-4750  
 Division: Alaska Court System Date/Time: 4/06/01 2:30 p.m.  
 Approved by: Stephanie Cole Date \_\_\_\_\_  
 Agency: Alaska Court System

For distribution information, call the Governor's Legislative Office

## DNA LEGISLATION & NEWS

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Tim Schellberg [tim@smithallinglane.com](mailto:tim@smithallinglane.com) and Lisa Hurst [lhurst@smithallinglane.com](mailto:lhurst@smithallinglane.com) of Smith Alling Lane, P.S. provide nationwide governmental affair services to Applied Biosystems. As part of the firm's representation weekly reports are generated which identify recent state and federal legislation and news articles. Applied Biosystems has authorized Smith Alling Lane to make these reports available to anyone that requests them through this web site.

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*The information presented in these reports does not necessarily reflect the viewpoints of Applied Biosystems or Smith Alling Lane, P.S.*

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11. "Legislators push for crime lab changes." The Associated Press State & Local Wire, February 18, 2001.  
Arkansas legislators considering how to ease the load of state crime lab employees who are often torn between the lab and the witness stand – teleconferencing is a possible solution. Also, the new crime lab under construction at the University of Arkansas Community College at Hope needs another \$200,000 to \$300,000 to equip the lab and finish construction.
12. "Sloan Man Admits Robberies, Burglaries." The Buffalo News, February 18, 2001.  
A New York man has plead guilty to several robberies and burglaries after cooperation between two New York local police departments led to the discovery of DNA-linked evidence that linked the man to several crimes.
13. "DNA 'Cold Hit' Validated Attack For Victim." The Richmond Times Dispatch, February 18, 2001.  
Details the story of a "cold hit" that was made through Virginia's DNA database. The inmate was currently in prison for another violent crime, when new DNA tests linked him to the unsolved rape from 1981. The inmate admitted to the crime when confronted. 135,000 of Virginia's 200,000 offender DNA samples have been tested.
14. "DNA Ruling Appealed." The Calgary Sun, February 17, 2001.  
A Nova Scotia (Canada) prosecutor is challenging a judge's refusal to force a convict to submit a DNA sample to the country's offender DNA database. The man had plead guilty to assaulting a woman with a knife, a baseball bat and a radio cord, threatening the woman and breaching a court order to keep the peace. This is the first of two such cases the Crown will be appealing.
15. "Gilmore's Budget Ideas Fail To Move Legislators." The Richmond Times Dispatch, February 17, 2001.  
In order to pay for a phase-out of the state car-tax, the Virginia Governor's proposed budget includes a reduction in DNA testing at the forensic laboratory by \$300,000.
16. "Legislative Roundup." The Santa Fe New Mexican, February 17, 2001.  
The New Mexico Senate has unanimously approved a measure to allow inmates greater access to post conviction DNA testing. Requests for testing must be made by July 1, 2002.
17. "Police may test DNA without suspect's consent in hunt for terrorists." AP Worldstream, February 16, 2001.  
Key government advisers in Greece have ruled that police do not need a suspect's consent to test DNA in cases of serious crime. But the government's Data Protection Authority said such testing should be allowed only if new legislation is enacted to prevent the abuses and to specify which crimes are considered "serious."
18. "Senate passes bill to take DNA samples from violent felons." The Associated Press State & Local Wire, February 16, 2001.  
A bill to take DNA samples from violent felonies has passed the Kentucky Senate unanimously. The Corrections Department estimates the cost at about \$48,000 per year. The bill was originally drafted to require DNA samples from all felons, but was narrowed to violent felons to minimize the expense. Senators also delayed the start of sampling until July 2002 unless federal funds are obtained earlier.

[Fwd: DNA Database Links Salinas Man to 1981 Murder]

**Subject:** [Fwd: DNA Database Links Salinas Man to 1981 Murder]  
**Date:** Fri, 26 Jan 2001 06:56:00 -0900  
**From:** Delbert Smith <delbert\_smith@dps.state.ak.us>  
**Organization:** Department of Public Safety  
**To:** Royce Weller <royce\_weller@dps.state.ak.us>

Royce,  
For DNA file and use during session.

--

Del Smith  
Deputy Commissioner  
Department of Public Safety  
907-465-4322  
907-465-4362 (fax)  
delbert\_smith@dps.state.ak.us  
E-page i611@pager.state.ak.us

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**Subject:** DNA Database Links Salinas Man to 1981 Murder  
**Date:** Thu, 25 Jan 2001 11:12:06 -0900  
**From:** Chris Stockard <christopher\_stockard@dps.state.ak.us>  
**Reply-To:** christopher\_stockard@pssun02x.dps.state.ak.us  
**Organization:** Department of Public Safety  
**To:** George M Taft JR <george\_taft@dps.state.ak.us>,  
Delbert W Smith <delbert\_smith@dps.state.ak.us>,  
Kenneth E Bischoff <kenneth\_bischoff@dps.state.ak.us>

"DNA Database Links Salinas Man to 1981 Murder"  
KPIX Online (01/23/01)

The 20-year-old kidnapping/rape/murder case of Sylvia Edgren in Monterey, Calif., has been solved thanks to a state DNA database. The state Department of Justice made a direct match of DNA at the scene with DNA of Salinas resident Michael Adams, which is stored in the California Convicted Felon Database. His DNA was included in records because of an assault crime he committed 14 years ago. In California, authorities have taken DNA samples from all convicted violent offenders for years, though the database has only been up and running since 1994. Funding for the project took time, and currently only a portion of the samples are entered into the database. A direct match or "cold hit" can significantly help authorities build a case against an offender.

---

Del Smith <delbert\_smith@dps.state.ak.us>

NPR  
Morning Edition

March 8, 2001

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BOB EDWARDS, host:

This is MORNING EDITION from NPR News. I'm Bob Edwards.

DNA is best known for proving the innocence of people who have been wrongly convicted and getting them out of prison. A quieter, more profound revolution is happening at the crime scene, where investigators are gathering evidence in developing their suspects. Virginia leads the nation with 140,000 criminal profiles in its DNA data bank. NPR's Barbara Bradley reports.

BARBARA BRADLEY reporting:

It was her first night back in Charlottesville. The senior at the University of Virginia, who asked not to be identified, fell asleep, but was awakened by someone moving around in her room. She reached out and felt the barrel of a gun. 'Where is your wallet?' the man said.

Unidentified Woman #1: I was so flustered at that point, I had no idea where I'd put my wallet. I was like, 'It's either on the floor of my bedroom or in my car.' And he said, 'Well, how much do you have in it?' and I said, 'I only have \$5.' And he said, 'Well, that's not enough. You're going to pay.'

BRADLEY: That was when he raped her. He made her take a shower and walked her down to the kitchen, where he drank a beer. All the time, she was blindfolded.

Unidentified Woman #1: I saw an outline of him. Like I could tell that he was about 5'10", fat, African-American, male, you know, mid-20s. That's about all I could tell. And so I could have never picked him out of a lineup, ever.

BRADLEY: Charlottesville police developed a list of about 40 suspects, but quickly ruled them out. A few weeks later, Lieutenant Chip Harding, who is the chief of investigations, got a phone call from the Virginia Department of Forensic Science. They were testing semen from the girl's sheets and saliva from the beer can. The DNA profile matched one in the state data bank.

Lieutenant CHIP HARDING (Charlottesville Police Department): And I can remember getting the call from forensic scientists in Richmond and--it's emotional now, even talking about. But dropping the phone and just jumping up and down and going, 'Oh, my God, I can't believe this. We know who did this to her.'

BRADLEY: It turned out that the man had a criminal record, not for sexual assault, but for gang-related violence. But since Virginia takes DNA samples from every convicted felon, his name and Social Security number popped up. The man was convicted. This kind of result has radically changed the way police work in Charlottesville, Virginia. Sergeant Ralph Barfield(ph), who heads up forensic investigations, is almost breathless with examples. The rapist who blew out a candle before attacking his victim. The candle had his saliva. The burglar who wore a pair of socks on his hands, left no fingerprints, but the discarded socks contained his skin cells. They found a bank robber who dropped his ski mask, and identified a murderer from the sweat in his baseball cap. Barfield says it's nothing like the old days.

Sergeant RALPH BARFIELD: You know, you had to have a half-dollar size amount of blood just to get a blood type. Now--oh, it's so nice now. Now I don't have to have blood at all. You know, you drink from your coffee cup. I know how to handle your coffee cup, I got your DNA. You and I shake hands, I know how to handle it. I've got your DNA. As long as I know how to do my part, collecting and the packaging and storing and transporting to prevent the cross-contamination, I got you. I got you.

BRADLEY: Barfield says another beauty of DNA is that it never grows old. In that sense, he says, it's a better witness than people, whose memories fade over time.

(Soundbite of alarm sounding; door opening)

Sgt. BARFIELD: This one is referred to as the archive room, and the only thing that goes into this room are cases on appeal, unsolved cases.

BRADLEY: The room is the size of a garage and stacked to the ceiling with evidence kits from unsolved murders and rapes, five, 10, 15 years old. Barfield points to a rape kit.

Sgt. BARFIELD: Sooner or later with the data bank, his blood's going to show up in that data bank, and we'll come back for him.

BRADLEY: Virginia has, by far, the largest data bank of all the states, and now it's paying off not just in solving crimes, but in preventing them. The reason is the link between property crimes and rape.

Unidentified Woman #2: Negative 131. I need you to start towards 810 Harris Street, southern State, for a phone-in alarm showing general burglar. I'll get you another unit as soon as one clears.

BRADLEY: It's only breaking and entering, but Barfield sends a forensic detective to the crime scene anyway.

(Soundbite of briefcase being opened)

BRADLEY: The trailer home door has been kicked in. The D/D is missing. There's no broken glass, no blood, no fingerprints, no DNA. But Barfield says they always send a forensic detective, because if the burglar had left his DNA, he could easily show up as a rapist.

Sgt. BARFIELD: Another thing we've learned is that guys that start out doing burglary, they're just a thief, they're just breaking into your house to steal your stereo, but lo and behold, your wife, your daughter, your girlfriend happens to be there and they stumble into them and it becomes a crime of opportunity and they go, 'Oh, well.' What we've found is so many of the burglars are going from burglary, they move up to rape.

BRADLEY: Paul Ferrara says that's borne out by statistics. Ferrara is the director of Virginia's Department of Forensic Science and the man credited with putting Virginia on a scientific fast track. Ferrara says more than half the rapists they have caught were already in the data bank, not for sexual assault, but for burglary. He says that's why Virginia takes the DNA of all felons. If you don't, he says, you give someone a free rape. But Ferrara says there's a problem. Most states are just beginning to create their own data bank, so all a felon has to do to elude detection is leave Virginia.

Mr. PAUL FERRARA (Director, Virginia Department of Forensic Science): Somebody who finds themselves in our DNA data bank may be well inclined to take his criminal activities to some other state, thinking that, 'Well, I've got to get out of Virginia because, you know, I'm forever in that data bank, and I move or do anything and I'm going to get nailed. So I'll go to a neighboring state or I'll go out on the West Coast.'

BRADLEY: Several states have no data bank at all; many are just getting going. Christopher Asplin, who heads a national commission on the future of DNA, says there are more than a million violent offenders who should be in a DNA data bank, but aren't because of cost.

Mr. CHRISTOPHER ASPLIN: One example is we know that we have in excess of 180,000 rape kits across the country which should be DNA tested, and those profiles should be put in the database but have not. Essentially what you have is a very powerful technology, a very powerful database that just doesn't have enough data in it.

BRADLEY: Congress passed a bill to give states \$170 million, but that money wasn't included in the budget, so Virginia is forging ahead on its own.

Ms. LISA SHERMYER (Virginia Department of Forensic Science): What you're seeing right now is you're seeing laboratory tables where the examiners are working. They're looking at evidence from criminal cases, looking for things like blood.

BRADLEY: Lisa Shermeyer(ph), at the Virginia Department of Forensic Science, shows off a roomy, new laboratory. She says just getting a useable sample can take a month. It's then mathematically translated into what looks like a bar code and entered into the data bank.

Ms. SHERMYER: When you find that needle in a haystack, it's a good day. It's an even better day when that needle hits on a convicted felon in the data bank. You're suddenly the one providing investigative information to the police, and that's a really good feeling.

BRADLEY: The computer searches two sets of data banks. One has the DNA of all convicted felons in Virginia. The other includes DNA from all unsolved crimes. Just before 4 PM, Shelly Smith(ph) positions herself in front of the computer.

Ms. SHELLY SMITH: When I received the case, the information that I received was that the victim had been drugged by an unknown individual and then raped.

BRADLEY: There's no suspect in the case, since the woman never saw the perpetrator, and so the data bank is, for now, their only hope.

(Soundbite of typing)

Ms. SMITH: What is going on?

BRADLEY: Smith enters the information. We wait for several long seconds. I ask how long this generally takes.

Ms. SMITH: It's going to take a while.

Unidentified Woman #3: Generally...

Ms. SMITH: Oh, my. I got a hit.

BRADLEY: The DNA matches the profile of a convicted felon. It will be double-checked before Smith calls up the detective who submitted the DNA. This is really only the beginning of the case. Police have to track down the man and build a case against him. But all in all, a one-in-a-billion match is a pretty good place to start. Barbara Bradley, NPR News, Charlottesville, Virginia.

EDWARDS: The time is 19 minutes past the hour.

In the next half-hour of MORNING EDITION, Ossie Davis and Ruby Dee on their partnership on and off stage.

Mr. OSSIE DAVIS: We were one of the lucky ones where the thing that brought us together kept us together--the profession, being actors.

BOB EDWARDS, host:

In Hawaii, cross-examination is under way in a Navy court of inquiry into last month's deadly submarine crash. Lawyers for the officers involved are trying to poke holes in the Navy's investigation. That investigation, which was completed in only a few days, led to the court of inquiry now under way in Pearl Harbor. The accident happened when the USS Greenville struck a Japanese fishing boat while surfacing, killing nine people. NPR's Andy Bowers reports the sub's commander and his second in command are questioning the evidence against them.

## THE FBI and DNA

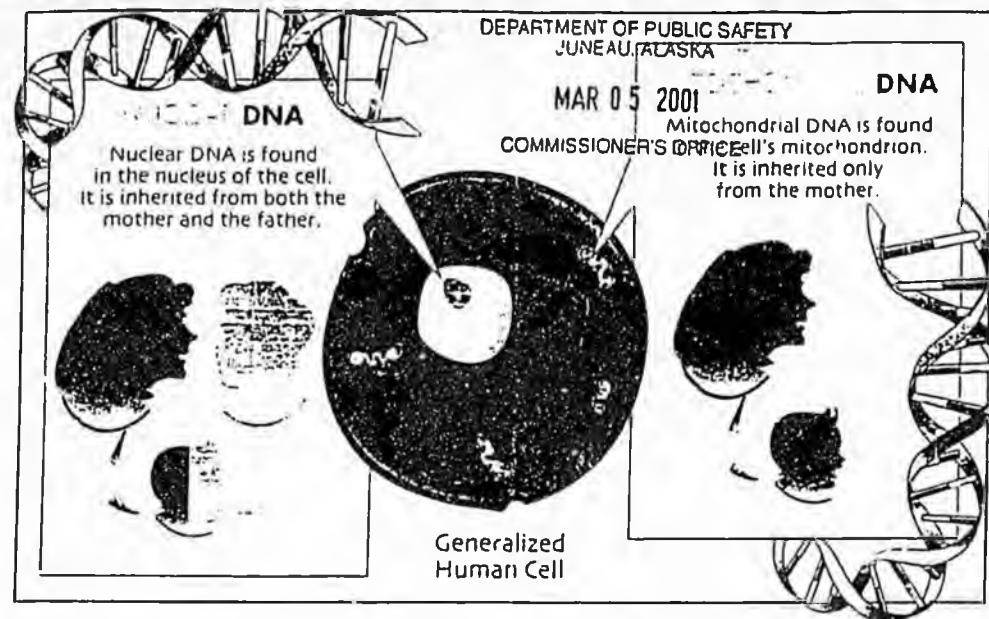
The FBI Laboratory is one of the largest and most comprehensive forensic laboratories in the world, and is the only full-service Federal forensic laboratory. The FBI Laboratory examines evidence free-of-charge for Federal, state, and local law enforcement agencies and provides expert witness testimony regarding the results of forensic examinations. Several sections, organized into specialized units, provide assistance with the collection, preservation, and analysis of evidence from crime scene investigations. In support of the overall mission of the Laboratory, the DNA Analysis Unit I, DNA Analysis Unit II, and the Forensic Science Systems Unit have a DNA and Databasing Initiative.

The DNA Analysis Unit I provides serological and nuclear DNA testing services to all Federal agencies, United States Attorneys, military tribunals, duly constituted state, county, and municipal law enforcement agencies in the United States, or Territories of the United States, in conjunction with criminal investigative matters and provides expert witness testimony in criminal judicial proceedings on both a national and international level. The DNA Analysis Unit II is responsible for three major programs: mitochondrial DNA casework, missing persons, and the Federal Convicted Offender Program. The Combined DNA Index System (CODIS) blends forensic science and computer technology into an effective tool for solving violent crimes. CODIS enables Federal, state, and local crime laboratories to exchange and compare DNA profiles electronically, thereby linking crimes to each other and to convicted offenders.

## NUCLEAR DNA

The DNA Analysis Unit I (DNAUI) examines evidence from crime scenes to determine if biological material, such as blood and semen, is present. If present the material is subjected to DNA testing. In addition to these common stains, DNA profiles can be obtained from a variety of other samples as well. For example, cigarette butts, postage stamps, hat bands, shirt collars, and other items that have been in close contact with an individual can often yield a genetic profile.

Traditionally, DNA was analyzed using RFLP (restriction fragment length polymorphism) technology. This form of DNA typing used large fragments of DNA that were separated by size. Although highly informative, many forensic samples were too small or degraded to be analyzed.



The advent of PCR (polymerase chain reaction) allowed for the analysis of small or degraded samples by making copies of the original sample. Currently, the DNAUI and most of the forensic community use the PCR process to analyze regions of DNA called STRs (short tandem repeats). This typing procedure has the ability to analyze small degraded samples and provide a high level of information. Often, the source of an evidence sample can be determined.

### DNAUI AND CODIS

The DNAUI's CODIS program captures relevant profiles from current cases and gathers probative data from old cases to be uploaded into the national database for comparisons with other participating CODIS laboratories. Additionally, the DNAUI is maintaining RFLP capabilities for samples that need to be compared to old cases that were analyzed with the RFLP method. This comprehensive approach to CODIS entries provides the database with quality information that can be used to assist many criminal investigations.

### SUCCESS STORY

July 1999: The FBI Laboratory's DNA Analysis Unit I through its Unknown Subject Sexual Assault

Program with the Washington, D.C. Police Department received ten sexual assault cases that the National DNA Index System matched to three sexual assaults in Jacksonville, FL. The Jacksonville cases occurred in March, April and September of 1998. CODIS had previously linked the Jacksonville cases to one another in May 1999. DNA evidence was crucial in these three cases because none of the victims were able to describe the offender and no other physical evidence was left at the crime scenes. Five of the ten Washington, D.C. cases had already been linked together using CODIS before the national hit with Florida. The other D.C. cases were identified at later dates. In early July 1999, Leon Dundas, who is now deceased, was identified through DNA analysis as the perpetrator of the thirteen assaults.

## MITOCHONDRIAL DNA

The DNA Analysis Unit II examines biological items of evidence from crime scenes to determine the mitochondrial DNA sequence from hair, bone, teeth, blood, or other tissues. Typically, these items contain low concentrations of degraded DNA, making them unsuitable for nuclear DNA examinations. The high sensitivity

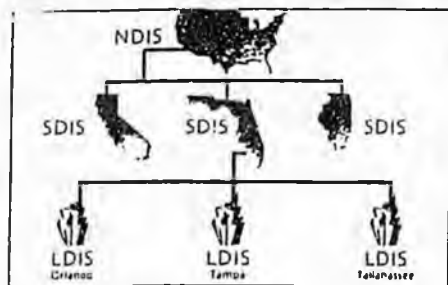
of the mitochondrial DNA analysis allows the FBI Laboratory to obtain information from old items of evidence associated with cold cases and small pieces of evidence containing little biological material. Additionally, the maternal inheritance of mitochondrial DNA allows scientists to compare the mitochondrial DNA profile of a set of remains to that of reference samples from individuals such as the mother, brother(s), sister(s), or any other maternally related individuals of a missing person. These samples should have the same mitochondrial DNA profiles because all maternal relatives inherit the same mitochondrial DNA. Because mitochondrial DNA is maternally inherited and multiple individuals can have the same mitochondrial DNA type, positive identifications are not possible using mitochondrial DNA analysis. However, mitochondrial DNA is an excellent technique to use for obtaining valuable information in cases where nuclear DNA analysis is not feasible.

### NATIONAL MISSING PERSONS DNA DATABASE PROGRAM

The National Missing Persons DNA Database Program was initially outlined in 1996 and was funded by Congress in 1999. This program will facilitate the collection and mitochondrial DNA typing of reference samples from maternal relatives of missing persons which will be placed in a database managed by CODIS. Additionally, this program will determine the mitochondrial DNA types of skeletal remains in an attempt to associate those remains to missing persons. Research is currently underway to validate state of the art procedures for managing and typing the large number of samples expected for this program. Case acceptance should begin in early 2001.

### FEDERAL CONVICTED OFFENDER PROGRAM

The Federal Convicted Offender (FCO) Program will use nuclear DNA profiling techniques to type known samples from convicted felons in the Federal system and enter these profiles into the CODIS system, much like the state and local offender sample data already being entered by other CODIS laboratories. These profiles will be available for searches against any forensic database sample in the CODIS system. Funding for this program is expected by the beginning of the year 2001.



The FBI provides CODIS software, together with installation, training, and user support, free of charge to any state and local law enforcement labs performing DNA analysis. Today, CODIS is installed in more than 100 laboratories. NDIS already contains more than 370,000 profiles from 30 states, the US Army and the FBI. In addition, the complete coverage of State DNA database laws occurred in 1998 with all 50 states having enacted legislation. This legislation requires persons convicted of felony sex offenses (and other crimes, depending on each state's statute) to provide biological samples for DNA analysis. These samples are analyzed and entered into the CODIS database. The FBI hopes that eventually, all 50 states will include all felony offenses.

### INDEXES

CODIS generates investigative leads in crimes where biological evidence is recovered from the crime scene using two indexes: the Forensic and Offender Indexes.



The Forensic Index contains DNA profiles from crime scene evidence.

The Offender Index contains DNA profiles of individuals convicted of sex offenses (and other violent crimes) with many states now expanding legislation to include other felonies.

Matches made among profiles in the Forensic Index can link crime scenes together, possibly identifying serial offenders. Based on a match, police in multiple jurisdictions can coordinate their respective investigations, and share the

made between the Forensic and Offender Indexes provide investigators with the identity of the perpetrator(s). After CODIS identifies a potential match, qualified DNA analysts in the laboratories responsible for the matching profiles contact each other to validate or refute the match.

### FUTURE

There has been a sharp increase in the demand for CODIS services due to two factors—(1) advances in the technologies supporting human genome research and (2) increased awareness of the crime reduction potential of forensic DNA by executive and legislative bodies at the State, Local, and National levels, as well as by the general public. In fact, many law enforcement officials consider forensic DNA analysis the most significant advance in forensic science since fingerprints. As a result, states are rapidly expanding the scope and size of their CODIS databases.

Over the past five years about one-half of the states have expanded the scope of their original DNA database legislation (e.g., six states are including all felons in their database, in the past year about five states have expanded the scope of their legislation, and one state now covers all arrested persons). There is currently a backlog of over 500,000 convicted offender samples to be analyzed simply because a majority of states' analyses efforts are unable to keep pace with the collection of these samples. Plus, many labs are doing retests using the new STR technology. The FBI Laboratory is committed to building an infrastructure throughout the U.S. to support the CODIS program and will continue to work with state and local forensic laboratories to achieve the full potential of this investigative tool.

### TRAINING

In addition to assisting forensic investigations, the DNA Analysis Unit I, DNA Analysis Unit II and CODIS program, along with the FBI Laboratory's Research and Training Units, provide specialized training in DNA testing methods to forensic scientists from state, municipal, and international crime laboratories. The staff of the FBI Laboratory often provides instruction to the legal and law enforcement communities (attorneys, judges, police officers, and crime lab personnel) on the fundamentals, improvements, and current research in the field of DNA and databasing. Further, the FBI sponsors and participates in national and international symposia and seminars devoted to topics surrounding DNA testing and databasing.



### SUCCESS

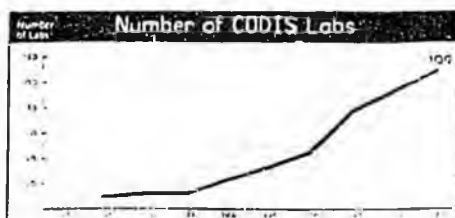
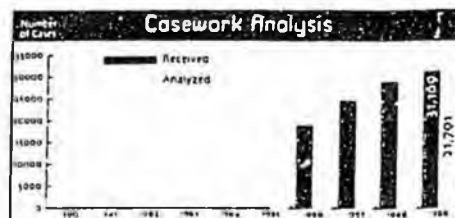
#### NEVADA:

May 2000: The Reno, Nevada Police Department made an arrest on a 23 year-old kidnaping/murder of a 6 year-old girl on Wednesday, May 31, 2000, based upon the first database hit in the Nevada State DNA database. The arrest was the culmination of extensive cooperation between local law enforcement and the FBI. On September 3, 1977, 6 year-old Lisa Marie Bonham was reported missing from Idlewild Park, Reno, where she was visiting with family members. The next day her clothing was discovered in a brown paper bag in a dumpster in Verdi, Nevada, a few miles from Reno. The clothing was submitted to the FBI Laboratory for examination and semen stains with Type A Secretor status were identified on portions of the clothing. On November 13, 1977, part of the victim's remains were recovered in Toyabe National Forest, three miles from the Nevada border in Sierra County, California. On May 25, 2000, the Washoe County Sheriff's Crime Laboratory, the location of the Nevada State DNA Database (which utilizes CODIS software), matched the identified DNA from the victim's clothing with the known DNA of the subject Stephen Robert Smith.

#### FLORIDA & IOWA:

February 2000: In 1995, an unidentified woman's body was found on an off-ramp along an interstate in Des Moines, IA. After identifying the victim, police began looking at truck drivers as suspects, due to the location of the body. The Iowa Department of Public Safety sent biological evidence left at the crime scene to the FBI Laboratory for DNA analysis. The FBI Lab analyzed the evidence, and developed a DNA profile of the perpetrator. The profile was uploaded to CODIS, where NDIS matched it to the Florida offender. At the time of the hit, the offender was incarcerated in a Florida prison for a sexual assault conviction in early 1990. After identifying the offender, police discovered that he possessed a commercial trucking license.

## DNA STATISTICS



For more information, please contact the Federal Bureau of Investigation, Laboratory Division, DNA Analysis Unit 1515 and DNA Analysis Unit 11200, Research and Training Systems Unit, CODIS, FBI Laboratory, Washington, DC 20535.