

Senate Resolution 593

By: Senator Whitehead, Sr. of the 24th

### A RESOLUTION

1 Creating the Senate Study Committee on the Use of Brain Fingerprinting Technology; and  
2 for other purposes.

3 WHEREAS, a new technology described as brain fingerprinting was recently developed at  
4 the direction of Dr. Lawrence A. Farewell, Ph.D., founder of Brain Fingerprinting  
5 Laboratories, Inc., in 2003; and

6 WHEREAS, this breaking technology is becoming increasingly available, and the testing has  
7 received significant media attention; and

8 WHEREAS, the application of this phenomenal technology in criminal cases has  
9 groundbreaking possibilities not only for convicting those who are guilty but also for making  
10 sure that innocent persons are neither accused, convicted, nor incarcerated; and

11 WHEREAS, this exciting technology gives the judge and jury new, scientifically valid  
12 evidence to help them arrive at their decision; and

13 WHEREAS, brain fingerprinting evidence was recently admitted by the Iowa Supreme Court  
14 and assisted in establishing the innocence of Terry Harrington, who was released from prison  
15 in 2003 after serving 24 years for a murder conviction; and

16 WHEREAS, brain fingerprinting is a technique that requires a sufficient amount of specific  
17 information about an event or activity that would only be known by a perpetrator and the  
18 investigator; and

19 WHEREAS, in administering the brain fingerprinting test, a subject is shown a sequence of  
20 various stimuli on a computer screen in the form of words, phrases, and pictures, and an  
21 electroencephalograph (EEG) then records a subject's electrical brain activity or response  
22 to the stimuli, which appears in waveform; and

1 WHEREAS, the process measures whether a suspect has knowledge of the details about a  
2 particular crime; and

3 WHEREAS, scientific studies, field tests, and criminal cases involving hundreds of test have  
4 verified the extremely high level of accuracy, utility, cost effectiveness, and overall  
5 credibility of the brain fingerprinting system; and

6 WHEREAS, it is within the power of this body to enact legislation which will encourage the  
7 use of brain fingerprinting technology so that this state may have yet another tool to aid in  
8 the investigation of criminal cases, to increase the quality of the criminal justice system, and,  
9 most importantly, to help ensure that no innocent person is found guilty for a crime they did  
10 not commit.

11 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that there is created the Senate  
12 Study Committee on the Use of Brain Fingerprinting Technology to be composed of five  
13 members of the Senate to be appointed by the President of the Senate. The President of the  
14 Senate shall designate a member of the committee as chairperson of the committee. The  
15 chairperson shall call all meetings of the committee.

16 BE IT FURTHER RESOLVED that the committee shall undertake a study of the conditions,  
17 needs, issues, and problems mentioned above or related thereto and recommend any actions  
18 or legislation which the committee deems necessary or appropriate. The committee may  
19 conduct such meetings at such places and at such times as it may deem necessary or  
20 convenient to enable it to exercise fully and effectively its powers, perform its duties, and  
21 accomplish the objectives and purposes of this resolution. The members of the committee  
22 shall receive the allowances authorized for legislative members of interim legislative  
23 committees but shall receive the same for not more than ten days unless additional days are  
24 authorized. The funds necessary to carry out the provisions of this resolution shall come  
25 from the funds appropriated to the Senate. In the event the committee makes a report of its  
26 findings and recommendations, with suggestions for proposed legislation, if any, such report  
27 shall be made on or before December 31, 2007. The committee shall stand abolished on  
28 January 31, 2008.