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Senate Resolution 593

By: Senator Whitehead, Sr. of the 24th

ADOPTED SENATE

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
- in 2003 after serving 24 years for a murder conviction; and
- WHEREAS, brain fingerprinting is a technique that requires a sufficient amount of specific
- 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

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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
- shall be made on or before December 31, 2007. The committee shall stand abolished on
- 28 January 31, 2008.