

STAND. COM. REP. NO. 2048

Honolulu, Hawaii

FEB 03 2014

RE: S.B. No. 2128

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2128 entitled:

"A BILL FOR AN ACT RELATING TO THE RETENTION OF BIOLOGICAL  
EVIDENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Provide guidelines and limitations for the post-conviction retention of biological evidence by the police, prosecuting attorney, laboratories, or courts; and
- (2) Establish procedures for agencies to dispose of retained evidence and for defendants to file objections to proposed disposals.

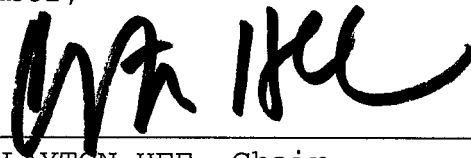
Your Committee received testimony in support of this measure from the Judiciary, Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, Office of the Prosecuting Attorney of the County of Kauai, Police Department of the County of Hawaii, Police Department of the County of Maui, Police Department of the County of Kauai, and the Police Chiefs of Hawaii Association. Testimony in opposition to this measure was submitted by the Office of the Public Defender and Community Alliance on Prisons.



Your Committee finds that the existing law regarding the retention of biological evidence is broad and requires agencies to retain all evidence that may contain biological evidence in any case that results in a conviction regardless of whether the biological evidence is relevant to the case. Testimony submitted in support of this measure indicates that the existing requirements for the retention of biological evidence have caused storage problems statewide. This measure establishes reasonable guidelines for the retention of post-conviction biological evidence to address statewide evidence storage issues while preserving a defendant's ability to file objections to a proposed disposal of biological evidence.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2128 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



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CLAYTON HEE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 2128</b>	Committee Referral: <b>JDL</b>	Date: <b>01-24-14</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)		✓		
GABBARD, Mike	✓			
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les		✓		
SOLOMON, Malama				✓
SLOM, Sam	✓			
<b>TOTAL</b>	<b>4</b>	<b>2</b>		<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes