

STAND. COM. REP. NO. 1364

Honolulu, Hawaii
April 6, 2015

RE: S.B. No. 211
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 211, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO FORENSIC IDENTIFICATION,"

begs leave to report as follows:

The purpose of this measure is to clarify the offense of refusal or failure to provide specimen for forensic identification by specifying that the intentional or knowing refusal or failure to provide required blood specimens, buccal swab samples, or print impression for forensic identification is a class C felony, and the reckless or negligent failure to do so is a misdemeanor.

The Department of the Attorney General, Department of the Prosecuting Attorney of the County of Maui, Office of the Prosecuting Attorney of the County of Kauai, and the Department of the Prosecuting Attorney of the City and County of Honolulu supported this measure and recommended amendments. The Office of the Public Defender and Community Alliance on Prisons opposed this measure.

Your Committee has amended this measure by:

- (1) Deleting the negligent refusal or failure to provide specimens from the offense of refusal or failure to provide specimen for forensic identification;

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- (2) Making it a misdemeanor, rather than a class C felony, to intentionally or knowingly refuse or fail to provide specimen for forensic identification;
- (3) Downgrading reckless refusal or failure to provide specimen for forensic identification to a petty misdemeanor; and
- (4) Changing its effective date to take effect upon approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 211, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 211, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



