

Honolulu, Hawaii

MAR 23 2016

RE: H.B. No. 1907  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 1907, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT,"

begs leave to report as follows:

The purpose and intent of this measure is to establish the Sexual Assault Kit Tracking Program, which requires:

- (1) All law enforcement agencies to submit sexual assault kits connected to a criminal investigation to an authorized laboratory for analysis subject to specified timelines and to report results of the analysis to state and federal databases, if the agency has received prior written consent from the complainant or parent or legal guardian of a minor complainant;
- (2) Each law enforcement agency that obtains a sexual assault kit in connection with a criminal investigation to annually report to the Department of the Attorney General on the number of sexual assault kits in the custody of the Honolulu Police Department; and
- (3) The police department of each county, the Department of Public Safety, and the Division of Conservation and Resources Enforcement to submit a report to the Legislature no later than twenty days prior to the



convening of the Regular Session of 2017 on their recommendations regarding the program, the number of kits collected statewide, and the progress on any backlog, and make the reports publicly available.

Your Committee received testimony in support of this measure from the Hawaii State Democratic Women's Caucus, Honolulu Police Department, Planned Parenthood Votes Northwest and Hawaii, Hawaii Women's Coalition, Sex Abuse Treatment Center, Joyful Heart Foundation, and fifteen individuals. Your Committee received comments on this measure from the Department of the Attorney General, Prosecuting Attorney of the County of Kauai, and Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that evidence collected utilizing sexual assault kits should be analyzed and recorded within a reasonable time to ensure that the evidence is available to identify and prosecute perpetrators of sexual assaults, establish or eliminate possible connections between perpetrators and other crimes, and exonerate innocent defendants who are wrongfully accused. Your Committee further finds that sexual assailants are frequently serial offenders, and that testing the backlog of untested sexual assault kits could allow prosecution of previously unidentified sexual assailants. Your Committee notes that law enforcement professionals within the State who regularly process sexual assault kits have expressed concerns in their testimony that the measure as written would present enforcement difficulties.

Your Committee has amended this measure by replacing the original language of the measure with language provided by the testimony of the Prosecuting Attorney of the City and County of Honolulu, which:

- (1) Requires all law enforcement agencies and departments charged with maintenance, storage, and preservation of sexual assault evidence collection kits to conduct an inventory of all kits being stored by the agency or department and transmit a report of the number of untested sexual assault evidence kits in each respective law enforcement agency and department's possession to the Department of the Attorney General;
- (2) Requires the Department of the Attorney General to submit a report to the President of the Senate and Speaker of the House of Representatives containing the



number of untested sexual assault evidence kits being stored and various information related to those kits; and

- (3) Inserts an effective date of upon approval.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1907, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1907, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Labor and Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Intergovernmental, and Military  
Affairs,

*Clarence K. Nishihara*

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CLARENCE K. NISHIHARA, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Intergovernmental and Military Affairs**  
**PSM**

Bill / Resolution No.:* <b>HB1907, HD2</b>	Committee Referral: <b>PSM, JDL/WAM</b>	Date: <b>3/17/16</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 checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	/			
ESPERO, Will (VC)		/		
BAKER, Rosalyn H.	/			
INOUYE, Lorraine R.	<del>W</del> /			/
SLOM, Sam	/			
<b>TOTAL</b>	<b>3</b>	<b>1</b>		<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:right; font-family: cursive; font-size: 1.2em;">Will Espero</div>				
<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