

Honolulu, Hawaii

March 18, 2016

RE: S.B. No. 2309
S.D. 2
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2309, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this measure is to require the Department of the Prosecuting Attorney of each county, in consultation with the Department of the Attorney General, to establish a Sexual Assault Kit Tracking Program. More specifically, this measure:

- (1) Requires a law enforcement agency that receives a sexual assault kit in connection with a criminal investigation to submit the kit to an authorized laboratory, the laboratory to complete the analysis of the kit, and the results to be uploaded to certain databases in a timely manner;
- (2) Requires each law enforcement agency that obtains a sexual assault kit in connection with a criminal investigation to provide annual written notice to the Department of the Attorney General on the number of sexual assault kits that have not been submitted to a laboratory for analysis;
- (3) Requires the Department of the Attorney General to make arrangements for the analysis of all sexual assault kits



utilized prior to July 1, 2016, and to ensure that analysis results are uploaded to certain databases;

- (4) Provides that the failure of a law enforcement agency to timely submit for analysis a sexual assault kit utilized on or after July 1, 2016, shall not, among other things, alter the authority of the agency to submit the kit for analysis or render evidence derived from the kit inadmissible in court;
- (5) Requires that a certification be included with sexual assault kit evidence submitted for analysis;
- (6) Requires the expungement from certain databases of records not connected to a criminal investigation;
- (7) Requires the Department of the Prosecuting Attorney of each county to submit a report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2017, including the respective number of unprocessed sexual assault kits collected before July 1, 2016, and the status of any backlog; and
- (8) Appropriates funds to the Department of the Attorney General to ensure all sexual assault kits that were collected prior to July 1, 2016, and that are the subject of a criminal investigation are analyzed.

The Hawaii State Commission on the Status of Women, Hawaii State Democratic Women's Caucus, Planned Parenthood Votes Northwest and Hawaii, American Association of University Women in Hawaii, Hawaii Women's Coalition, Sex Abuse Treatment Center, Joyful Heart Foundation, and several individuals supported this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Office of the Prosecuting Attorney of the County of Kauai, and Office of the Prosecuting Attorney of the County of Hawaii supported the intent of this measure. The Department of the Attorney General provided comments.

Your Committee has amended this measure by deleting its contents and replacing it with provisions that require:

- (1) Law enforcement agencies to compile information on untested sexual assault collection kits and transmit the information to the Attorney General's office; and



- (2) The Department of the Attorney General to prepare and transmit to the President of the Senate and the Speaker of the House of Representatives a comprehensive report that provides information regarding untested sexual assault evidence collection kits, including progress made to reduce the number of untested kits to date and a multi-disciplinary approach to minimizing the number of untested kits in the future.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2309, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2309, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,



DEE MORIKAWA, Chair



HSCR 1076-16

Record of Votes of the Committee on Human Services

Bill/Resolution No.: SB 2309, SD2	Committee Referral: HUS, JUD, FIN	Date: 3-15-16		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MORIKAWA, Dee (C)	/			
2. KOBAYASHI, Bertrand (VC)	/			
3. BELATTI, Della Au				/
4. CREAGAN, Richard P.	/			
5. HASHEM, Mark J.	/			
6. JORDAN, Jo	/			
7. OSHIRO, Marcus R.	/			
8. FUKUMOTO CHANG, Beth				/
TOTAL (8)	6			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u><i>Bj. Kepi</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				