
A BILL FOR AN ACT

RELATING TO SEXUAL ASSAULT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 844D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§844D- Sexual assault evidence; reporting. (a) By
5 December 1, 2016, all law enforcement agencies and departments
6 charged with the maintenance, storage, and preservation of
7 sexual assault evidence collection kits shall conduct an
8 inventory of all such kits being stored by the agency or
9 department.

10 (b) By December 1, 2016, each law enforcement agency and
11 department shall compile, in writing, a report containing the
12 number of untested sexual assault evidence collection kits in
13 the possession of the agency or department and the date the
14 sexual assault evidence collection kit was collected. The
15 report shall be transmitted to the department of the attorney
16 general.

17 (c) By December 1, 2017, the department of the attorney
18 general shall prepare and transmit a report to the president of



1 the senate and the speaker of the house of representatives
2 containing the number of untested sexual assault evidence
3 collection kits being stored by each county, by each law
4 enforcement agency or department, and the date the untested kit
5 was collected. The report shall also provide the following
6 information:

- 7 (1) An explanation of the processes that were used in the
8 past to decide which sexual assault evidence
9 collection kits were and were not tested;
- 10 (2) Progress made to reduce the number of untested sexual
11 assault evidence collection kits to date;
- 12 (3) A plan and expected timeframe for further reduction in
13 the number of untested sexual assault evidence
14 collection kits;
- 15 (4) A plan for determining priority of untested sexual
16 assault evidence collection kits and new sexual
17 assault evidence collection kits for testing;
- 18 (5) Processes that have been adopted or will be adopted to
19 better track and inventory tested and untested sexual
20 assault evidence collection kits, including their
21 locations;



- 1 (6) Expected outcomes from testing untested sexual assault
- 2 evidence collection kits and testing new sexual
- 3 assault evidence collection kits;
- 4 (7) Victim notification, support services, and other
- 5 resources that may become necessary in connection with
- 6 testing untested sexual assault evidence collection
- 7 kits and new sexual assault evidence collection kits;
- 8 (8) The expected cost of all projected plans and processes
- 9 not yet in place for testing untested sexual assault
- 10 evidence collection kits and new sexual assault
- 11 evidence collection kits;
- 12 (9) An assessment of potential funding sources, including
- 13 federal grants for which applications have been, will
- 14 be, or may be submitted; and
- 15 (10) Potential areas for further legislative action or
- 16 policy changes.
- 17 (d) As used in this section:
- 18 "Forensic medical examination" means an examination
- 19 provided to the victim of a sexually-oriented criminal offense
- 20 by a health care provider for the purpose of gathering and
- 21 preserving evidence of a sexual assault.



1 "Sexual assault evidence collection kit" means a human
2 biological specimen or specimens collected by a health care
3 provider during a forensic medical examination from the victim
4 of a sexually-oriented criminal offense, and related to a
5 criminal investigation.

6 "Untested sexual assault evidence collection kit" means a
7 sexual assault evidence collection kit that has not been
8 submitted to a qualified laboratory for either a serology or DNA
9 test."

10 SECTION 2. New statutory material is underscored.

11 SECTION 3. This Act shall take effect upon its approval.

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Report Title:

Sexual Assault Evidence Collection Kit; Reporting; Attorney General; Sexual Assault; Forensic Evidence

Description:

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 they store and transmit a report of the number of untested sexual assault evidence kits they possess to the department of the attorney general. Requires the department of the attorney general to report the number of untested sexual assault evidence kits being stored and various information related to those kits. (SD1)

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