

Honolulu, Hawaii

APR 06 2017

RE: S.R. No. 44  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.R. No. 44 entitled:

"SENATE RESOLUTION URGING LAW ENFORCEMENT AGENCIES TO FOLLOW THE GUIDELINES DEVELOPED BY THE MALAMA KAKOU PROJECT FOR THE TESTING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS AND REQUESTING AN ANNUAL REPORT FROM THE DEPARTMENT OF THE ATTORNEY GENERAL ON THE TESTING OF SEXUAL ASSAULT EVIDENCE COLLECTION KITS IN THE STATE,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Urge law enforcement agencies to follow the guidelines developed by the Malama Kakou Project for the testing of sexual assault evidence collection kits;
- (2) Request the appropriate law enforcement agencies to submit a request for testing of sexual assault evidence collection kits that meet the testing guidelines to a laboratory for testing within ninety days after receipt of the kits and follow-up with that laboratory within ninety days of the request; and
- (3) Request an annual report from the Department of the Attorney General on the testing of sexual assault evidence collection kits in the State.



Your Committees received testimony in support of this measure from the Community Alliance on Prisons, Hawaii Women's Coalition, and two individuals. Your Committees received comments on this measure from the Police Department, City and County of Honolulu.

Your Committees find that reducing the incidence of sexual assault and ensuring the rights of sexual assault victims are vital to ensuring public health and safety. A 2016 inventory of all four county police departments showed that barely ten percent of all sexual assault evidence collection kits collected in the State since 1992 had been tested. In response, the Legislature passed Act 207, Session Laws of Hawaii 2016, to establish a working group to develop statewide standards and practices for the testing of sexual assault evidence collection kits. This working group developed the Malama Kakou Project, a state plan to reform the testing of sexual assault evidence collection kits. The Malama Kakou Project established guidelines to determine whether a kit should be tested, a priority order for kits that are to be tested, and a process for police departments to follow in implementing the defined criteria and priorities. This measure urges all law enforcement agencies in the State charged with collecting sexual assault evidence collection kits to follow the guidelines developed by the Malama Kakou Project in order to greatly enhance the process for testing sexual assault evidence collection kits.

Your Committees have amended this measure by:

- (1) Clarifying that in its annual report to the President of the Senate and the Speaker of the House of Representatives, the Department of the Attorney General is requested to provide the total number of sexual assault evidence collection kits collected by other members of the working group established pursuant to Act 207, Session Laws of Hawaii 2016, to reflect that these kits are collected by other parties; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are



attached to this report, your Committees concur with the intent and purpose of S.R. No. 44, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 44, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Labor and Ways and Means,



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JILL N. TOKUDA, Chair



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GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

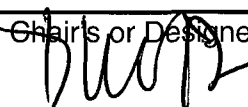
**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SR 44</b>	Committee Referral: <b>PSM, JDL/WAM</b>	Date: <b>4/4/17</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 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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
<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

The Senate  
Twenty-Ninth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

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SR 44	PSM, SDL/WAM	4/4/17		
<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 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
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood	/			
HARIMOTO, Breene	/			
INOUYE, Lorraine R.	/			
KAHELE, Kaiali'i	.			/
RIVIERE, Gil	/			/
SHIMABUKURO, Maile S.L.	/			/
TANIGUCHI, Brian T.	.			/
WAKAI, Glenn	/			
<b>TOTAL</b>	9			2
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				

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