S.C.R. NO. 100
S.D. 1

SENATE CONCURRENT 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.

WHEREAS, the efficient and proper testing of sexual assault evidence collection kits is essential to reduce the incidence of sexual assault in the State and to ensure the protection of sexual assault victims' rights; and

WHEREAS, Act 207, Session Laws of Hawaii 2016 (Act 207), required all law enforcement agencies and departments charged with the maintenance, storage, and preservation of sexual assault evidence collection kits to conduct an inventory of all stored kits and report to the Department of the Attorney General; and

WHEREAS, the results of that inventory from all four county police departments showed that since 1992, of the 2,240 sexual assault evidence collection kits in the possession of county police departments, only 289 kits had been tested as of June 30, 2016, leaving 1,951 kits that have not been tested; and

WHEREAS, Act 207 also required the Department of the Attorney General to report to the Legislature on plans and procedures for the disposition of the 1,951 untested kits as well as new kits, and other related information; and

WHEREAS, the Department of the Attorney General, as directed under Act 207, convened a working group to develop statewide standards and practices for the testing of sexual assault evidence collection kits; and
WHEREAS, the working group met over a six-month period and
developed the Malama Kakou Project; and

WHEREAS, the Malama Kakou Project is a state plan to reform
the testing of sexual assault evidence collection kits in
Hawaii, which includes establishing 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; now,
therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth
Legislature of the State of Hawaii, Regular Session of 2017, the
House of Representatives concurring, that all law enforcement
agencies and departments charged with the testing of sexual
assault evidence collection kits are urged to test all kits in
accordance with the plans and procedures for the disposition of
currently untested kits and new kits established by the
Department of the Attorney General's Malama Kakou Project,
pursuant to Act 207, Session Laws of Hawaii 2016; and

BE IT FURTHER RESOLVED that for all kits that meet the
testing guidelines, the appropriate law enforcement agency
submit a request for testing a sexual assault evidence
collection kit to an accredited laboratory within ninety days
after receipt of the kit, and follow up with the laboratory on
the testing to obtain test results within ninety days of that
request; and

BE IT FURTHER RESOLVED that the Department of the Attorney
General prepare and submit an annual report to the President of
the Senate and the Speaker of the House of Representatives no
later than twenty days prior to the convening of each regular
session beginning with the Regular Session of 2018 detailing:

(1) The number of sexual assault evidence collection kits
reported in the prior year by the police departments
of all four counties;

(2) The total number of sexual assault evidence collection
kits collected by other members of the working group
established pursuant to Act 207 in the prior year in each county;

(3) The number of sexual assault evidence collection kits tested in the prior year by each county, law enforcement agency, or department; and

(4) The number of sexual assault evidence collection kits not tested in the prior year by each county, law enforcement agency, or department; and

(5) The number of sexual assault evidence collection kits destroyed in the prior year by each county, law enforcement agency, or department; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Attorney General, Director of Public Safety, and the Chief of Police of each county police department.