

STAND. COM. REP. NO.

3038

Honolulu, Hawaii

MAR 21 2018

RE: H.B. No. 2131
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2131, H.D. 1, 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:

- (1) Establish a Hawaii sexual assault response and training program to address the manner in which sexual assault evidence collection kits are processed and tracked and ensure that victims of sexual assault are informed of their rights under the law; and
- (2) Require annual reports by the Department of the Attorney General to the President of the Senate and Speaker of the House of Representatives on the statewide inventory of sexual assault collection kits collected and submitted to an accredited and approved DNA laboratory.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Hawaii State Commission on the Status of Women, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Sex Abuse Treatment Center, Hawaii Women's Coalition, Community Alliance on Prisons, Hawai'i Women Lawyers, Planned



Parenthood Votes Northwest and Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Joyful Heart Foundation, and five individuals.

Your Committee finds that deoxyribonucleic acid (DNA) evidence is a powerful law enforcement tool that can identify unknown suspects, connect crimes to known perpetrators, and exonerate the innocent. DNA evidence, collected through sexual assault evidence collection kits, is especially vital in cases of sexual assault. Many sexual assaults are committed by repeat and serial offenders, and only 12.5 percent of sexual assault reports result in conviction. This measure will establish a Hawaii sexual assault response and training program to address and improve the manner in which sexual assault evidence collection kits are processed and tracked and to ensure that victims of sexual assault are informed of their rights under the law.

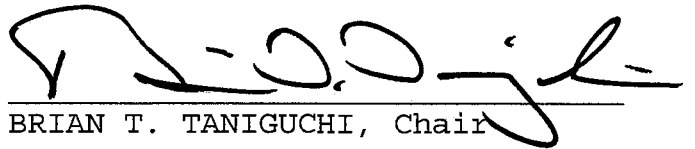
Your Committee has amended this measure by:

- (1) Changing the mandatory storage period for untested sexual assault evidence collection kits if the victim was eighteen years of age or older at the time of the incident from five years to six years;
- (2) Removing the appropriations to the Department of the Attorney General and the counties from the general revenues of the State and adding an appropriation to the Department of the Attorney General from the DNA registry special fund;
- (3) Making a conforming amendment to section 706-603(3), Hawaii Revised Statutes, to authorize use of the DNA registry special fund for the purposes of this measure;
- (4) Inserting an effective date of July 1, 2018; provided that the section relating to unreported sexual assault evidence collection kits shall take effect on January 1, 2019; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2131, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2131, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.


Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2131, HD 1	JDC, WAM	3/15/18		
<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
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes