

Honolulu, Hawaii

April 5, 2006

RE: S.B. No. 2243
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2243, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE,"

begs leave to report as follows:

The purpose of this bill is to strengthen statutory provisions for forensic identification. Specifically, this bill, among other things:

- (1) Provides for immediate DNA testing of all felons who are currently incarcerated;
- (2) Removes from the Department of the Attorney General (AG), the responsibility of providing, collecting, and maintaining print impression cards and related materials;
- (3) Requires that a person's action must be intentional or knowing to commit the offense of refusal or failure to provide a specimen for forensic identification; and
- (4) Allows individuals who have been acquitted of a crime on the grounds of physical or mental disease to file a motion for DNA testing of evidence following conviction.



The AG, Department of Public Safety, Department of the Prosecuting Attorney of the City and County of Honolulu, and the Honolulu Police Department testified in support of this bill.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2096, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity and style.

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 S.B. No. 2243, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2243, S.D. 1, H.D. 1.

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



SYLVIA LUKE, Chair



