
A BILL FOR AN ACT

RELATING TO DNA.

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- Collection from persons arrested for a felony
5 offense. A person, except for any juvenile, arrested for a
6 felony offense shall provide buccal swab samples and print
7 impressions and, if required by the collecting agency's rules or
8 internal regulations, blood specimens, immediately at intake or
9 as soon as administratively practicable at the appropriate
10 custodial or receiving institution or program unless the
11 person's blood specimens or buccal swab samples, and print
12 impressions authorized by this chapter are already in the
13 possession of the department or have been recorded as part of
14 the state DNA database and data bank identification program."

15 SECTION 2. Section 844D-31, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Any person, except for any juvenile, who is arrested
18 for, convicted of, or pleads guilty or no contest to, any felony



1 offense, even if the plea is deferred, or is found not guilty by
2 reason of [~~insanity~~] physical or mental disease, disorder, or
3 defect of any felony offense, shall provide buccal swab samples
4 and print impressions of each hand, and, if required by the
5 collecting agency's rules or internal regulations, blood
6 specimens, required for law enforcement identification
7 analysis."

8 SECTION 3. Section 844D-41, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "[~~+~~]**§844D-41**[~~+~~] **Retroactive application.** Sections 844D-
11 31, 844D-33, and 844D-34 to 844D-37 shall have retroactive
12 application. Collection shall occur pursuant to sections 844D-
13 34 to 844D-38 regardless of when the crime charged or committed
14 became a qualifying offense pursuant to this chapter, and
15 regardless of when the person was arrested for or convicted of
16 the qualifying offense described in section 844D-31(a) or a
17 similar crime under the laws of the United States or any other
18 state, or pursuant to the United States Code of Military
19 Justice, for commission of a qualifying offense described in
20 section 844D-31(a) or a similar crime under the laws of the
21 United States or any other state."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2008.

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INTRODUCED BY:

Calvin H. Ay
By Request

JAN 15 2008



Report Title:

DNA Samples; Felony Arrestees

Description:

Requires collection of DNA sample from all adults arrested for a felony offense.

