

JAN 18 2008

A BILL FOR AN ACT

RELATING TO CRIME.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that although every state
2 requires DNA collection for felony convictions, there is a
3 growing trend towards collecting DNA for felony arrests. The
4 legislature also finds that eleven states, including California,
5 Alaska, and Arizona, have already enacted laws that require DNA
6 collections from those arrested on felony charges, and that over
7 half of the states have begun the process of considering such
8 legislation.

9 The legislature further finds that Virginia is also one of
10 the states that have implemented legislation mandating DNA
11 collection upon a felony arrest. Since enactment in 2003,
12 Virginia has identified suspects in an additional 383 cold
13 cases. In 2003, they matched 63 arrestees to unsolved crimes.
14 In 2004, that number was 68, in 2005, that number grew to 107,
15 in 2006, that number was 69, and through May of 2007, an
16 additional 32 arrestees were matched to unsolved crimes.



1 The legislature further finds that all of the arguments in
2 support of the enactment of Chapter 844D are the same arguments
3 for enactment of legislation calling for collection of DNA upon
4 felony arrest - the ability to solve cold cases, saving lives by
5 providing early identification of serial offenders, absolving
6 the innocent and minimizing wrongful incarceration, and
7 minimizing racial bias. Accordingly, the purpose of this Act is
8 to mandate DNA collection for felony arrests.

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

11 **"PART III. OFFENDERS SUBJECT TO COLLECTION OF SPECIMENS OR**
12 **SAMPLES, OR PRINT IMPRESSIONS**

13 **§844D-31 Offenders subject to collection.** (a) Any
14 person, except for any juvenile, who is convicted of, or pleads
15 guilty or no contest to, any felony offense, even if the plea is
16 deferred, or is found not guilty by reason of insanity of any
17 felony offense, or is arrested for any felony offense, shall
18 provide buccal swab samples and print impressions of each hand,
19 and, if required by the collecting agency's rules or internal
20 regulations, blood specimens, required for law enforcement
21 identification analysis."



1 SECTION 3. Section 844D-34, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[§844D-34] Collection from persons confined or in custody
4 after conviction or adjudication. A person, except for any
5 juvenile, shall provide buccal swab samples and print
6 impressions and, if required by the collecting agency's rules or
7 internal regulations, blood specimens, immediately at intake, or
8 during the prison reception center process, or as soon as
9 administratively practicable at the appropriate custodial or
10 receiving institution or program if:

11 (1) The person is imprisoned or confined or placed in a
12 state correctional facility, a county correctional
13 facility, the department of public safety, a
14 residential treatment program, or any state, county,
15 private, or other facility after a conviction of or
16 arrest on any felony offense;

17 (2) The person has a record of any past or present
18 conviction of a qualifying offense described in
19 section 844D-31 or has a record of any past or present
20 conviction or adjudication in any other court,
21 including any state, federal, or military court, of
22 any offense, that, if committed or attempted in this



1 State, would have been punishable as an offense
2 described in section 844D-31; and
3 (3) The person's blood specimens or buccal swab samples,
4 and print impressions authorized by this chapter are
5 not in the possession of the department or have not
6 been recorded as part of the state DNA database and
7 data bank identification program."

8 SECTION 4. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on January 1, 2009.

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INTRODUCED BY: Randy H. Baker
Maerie R. Swanson
Jill
Erzanne Chun Oakland



Report Title:

Crime

Description:

Requires DNA collection from those arrested on felony charges.

