

JAN 19 2007

A BILL FOR AN ACT

RELATING TO FORENSIC IDENTIFICATION.

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

1 SECTION 1. Act 112, Session Laws of Hawaii 2005, codified
2 as chapter 844D, Hawaii Revised Statutes, relating to forensic
3 identification, enacted a comprehensive scheme to provide for
4 the taking of deoxyribonucleic acid samples. The law requires
5 that samples be taken upon conviction of any felony offense.
6 The legislature finds that waiting until after the defendant is
7 convicted of a felony to take a deoxyribonucleic acid sample
8 means that a large number of accused felons effectively escape
9 the criminal justice system. Deoxyribonucleic acid samples
10 provide a data base in which to check for identification of
11 perpetrators of felonies, regardless of prior conviction.

12 The legislature finds that deoxyribonucleic acid samples on
13 record could also exculpate the innocent convicted in other
14 crimes, expedite the solving of crimes, and prevent crime, among
15 other advantages to having a deoxyribonucleic acid sample taken
16 upon arrest.



1 The purpose of this Act is to require the taking of a
2 deoxyribonucleic acid sample upon arrest for a felony.

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

5 "(a) Any person, except for any juvenile, who is arrested,
6 convicted of, or pleads guilty or no contest to, any felony
7 offense, even if the plea is deferred, or is found not guilty by
8 reason of insanity of any felony offense, shall provide buccal
9 swab samples and print impressions of each hand, and, if
10 required by the collecting agency's rules or internal
11 regulations, blood specimens, required for law enforcement
12 identification analysis."

13 SECTION 3. Section 844D-32, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) The provisions of this chapter, including the
16 requirement that all specimens, samples, and print impressions
17 shall be provided as soon as administratively practicable shall
18 apply to all qualifying persons regardless of sentence imposed,
19 including any sentence of life without the possibility of
20 parole, or any life or indeterminate term, [~~or~~], whether the
21 qualifying person was released after arrest, or any other
22 disposition rendered in the case of an adult."



1 SECTION 4. Section 844D-39, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) If a person, except for any juvenile, is arrested
4 for, convicted of, pleads guilty or no contest to, or is found
5 not guilty by reason of insanity of any of the offenses
6 requiring registration pursuant to chapter 846E, and has given a
7 blood specimen or other biological sample or samples to law
8 enforcement for any purpose, the department [~~is authorized to~~]
9 may analyze, or direct a designated entity to analyze, the blood
10 specimen and other biological sample or samples for forensic
11 identification markers, including DNA markers, and to include
12 the DNA and forensic identification profiles from these
13 specimens and samples in the state DNA database and data bank
14 identification program."

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect upon its approval.
18

INTRODUCED BY: 



Report Title:

Forensic Testing; DNA; Arrest

Description:

Requires a person to submit to collection of forensic identification material upon arrest.

