

JAN 20 2010

A BILL FOR AN ACT

RELATING TO THE DNA ANALYSIS FEE.

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

1 SECTION 1. Section 706-603, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:
3 "(1) In addition to any disposition authorized by chapter
4 706 or 853, every defendant [~~convicted of a felony offense~~]
5 required to provide a DNA sample or specimen under section
6 844D-31(a) shall be ordered to pay a monetary assessment of \$500
7 or the actual cost of the DNA analysis, whichever is less. The
8 court may reduce the monetary assessment if the court finds,
9 based on evidence presented by the defendant and not rebutted by
10 the State, that the defendant is not and will not be able to pay
11 the full monetary assessment and, based on the finding, shall
12 instead order the defendant to pay an assessment that the
13 defendant will be able to pay within five years."

14 SECTION 2. Section 844D-37, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~+~~§844D-37~~+~~ **Collection from persons accepted into**
17 **Hawaii from other jurisdictions.** (a) When an offender from
18 another state is accepted into this State under any interstate



1 compact, or under any other reciprocal agreement with any
2 county, state, or federal agency, or any other provision of law,
3 whether or not the offender is confined or released, the
4 acceptance shall be conditional on the offender providing blood
5 specimens, buccal swab samples, or print impressions pursuant to
6 this chapter, if the offender has a record of any past or
7 present conviction or adjudication in Hawaii of a qualifying
8 offense described in section 844D-31 or has a record of any past
9 or present conviction or adjudication or had a disposition
10 rendered in any other court, including any state, federal, or
11 military court, of any offense that, if committed or attempted
12 in this State, would have been punishable as an offense
13 described in section 844D-31.

14 (b) If the person is not confined, the specimens, samples,
15 or print impressions required by this chapter shall be provided
16 within twenty working days after the person reports to the
17 supervising agent or within five calendar days of notice to the
18 person, whichever occurs first. The person shall report to a
19 correctional facility in the county where the person resides or
20 temporarily is located to have the specimens, samples, or print
21 impressions collected pursuant to this chapter. The specimens,



1 samples, or print impressions shall be collected in accordance
2 with this chapter.

3 (c) If the person is confined, the person shall provide
4 the blood specimens, buccal swab samples, or print impressions
5 required by this chapter as soon as practicable after the
6 person's receipt in a state, county, private, or other
7 designated facility.

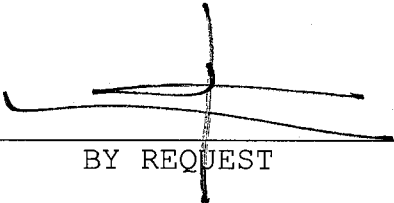
8 (d) The offender shall pay a monetary assessment
9 equivalent to the actual cost of the DNA analysis of the blood
10 specimen or buccal swab sample; provided that the compact
11 administrator may waive the assessment based upon evidence that
12 the offender is unable to pay. The payment shall be collected
13 when the specimen or sample is provided, and shall be deposited
14 into the DNA registry special fund established in section
15 706-603."

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

19

INTRODUCED BY:


BY REQUEST



Report Title:

DNA Analysis Fee; Deferred Plea; Interstate Compact Transferees

Description:

Extends DNA analysis fee requirement to defendants with deferred pleas and to felony offenders transferring into Hawaii under an interstate compact.

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