



*The Judiciary, State of Hawaii*

**Testimony to the House Committee on Judiciary**

The Honorable Jon Riki Karamatsu, Chair

The Honorable Ken Ito, Vice Chair

Thursday, January 28, 2010, 2:30 p.m.

State Capitol, Conference Room 325

by

Janice Yamada

Probation Administrator, Adult Client Services

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**Bill No. and Title:** House Bill No. 1996, Relating to DNA Analysis Fee

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

**Judiciary's Position:**

The Judiciary strongly supports House Bill No. 1996, which is part of the Judiciary's 2010 legislative package. Adult Probation Officers have been tasked with obtaining buccal swab samples and print impressions from all felony offenders; however, the current statute does not allow for the collection of the DNA monetary assessment fee in all cases.

§ 844D-31 of the Hawaii Revised Statutes requires any person, except for any juvenile, who is convicted of, or pleads guilty or no contest to, any felony offense even if the plea is deferred to provide buccal swab samples and print impressions. However, current statute does not allow the collection of the DNA monetary assessment fee from those felony offenders granted deferred pleas or those offenders who come to Hawaii from the mainland and are supervised under the Interstate Compact. This amendment to § 706-603 of the Hawaii Revised Statutes will require every defendant providing a DNA sample to pay the monetary assessment fee. It is important for all felony offenders to be responsible to pay this fee and the State of Hawaii should not have to continue to fund the cost of \$32.65 for each DNA assessment. Passage of this bill will save the State of Hawaii monies expended for the DNA kits and testing of felony offenders granted deferred pleas and those offenders who come to Hawaii from the mainland and are supervised under the Interstate Compact.

Thank you for the opportunity to present testimony on this measure.

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**THE HONORABLE JON RIKI KARAMATSU, CHAIR**  
**HOUSE JUDICIARY COMMITTEE**  
**Twenty-fifth State Legislature**  
**Regular Session of 2010**  
**State of Hawai'i**

January 28, 2010

**RE: H.B. 1996; RELATING TO THE DNA ANALYSIS FEE.**

Chair Karamatsu and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney submits the following testimony in support of H.B. 1996.

The purpose of this bill is to require all defendants who are mandated to submit a DNA sample and hand prints pursuant to Hawaii Revised Statutes (HRS) chapter 844D to pay a monetary assessment \$500 or the actual cost of the DNA analysis, whichever is less, unless the assessment is waived or reduced.

Under the HRS section 844D-31(a) defendants convicted of, or who obtain a deferred plea for, or who are found not guilty by reason of insanity for a felony are required to provide a DNA sample and a hand print. However, HRS section 706-603 which authorizes the monetary assessment or cost of the analysis as part of the disposition of a case only requires convicted defendants to pay the assessment or cost. We believe this is an oversight as we can see no reason why defendants with deferred pleas or other dispositions should be relieved of an obligation to pay while defendants who are convicted must pay. This bill corrects this oversight.

For this reason, we support the passage of H.B. 1996 and thank you for this opportunity to testify.

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