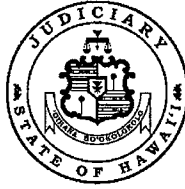


**SB2153**



*The Judiciary, State of Hawaii*

**Testimony to the Senate Committee on Judiciary and Government Operations**

The Honorable Brian T. Taniguchi, Chair  
The Honorable Dwight Y. Takamine, Vice Chair

Thursday, February 4, 2010, 9:30 a.m.  
State Capitol, Conference Room 016

by  
Janice Yamada  
Probation Administrator, Adult Client Services

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**Bill No. and Title:** Senate Bill No. 2153, 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:**

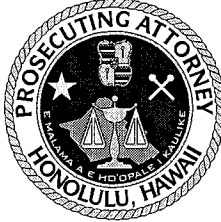
The Judiciary strongly supports Senate Bill No. 2153, which is part of the Judiciary's 2010 legislative package. Adult Probation Officers have been tasked with obtaining buccal swab samples and print impressions from all felony offenders; however, the current statute does not allow for the collection 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.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
CITY AND COUNTY OF HONOLULU

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**THE HONORABLE BRIAN TANIGUCHI, CHAIR**  
**SENATE JUDICIARY AND GOVERNMENT OPERATIONS COMMITTEE**  
**Twenty-fifth State Legislature**  
**Regular Session of 2010**  
**State of Hawai'i**

February 4, 2010

**RE: S.B. 2153; RELATING TO THE DNA ANALYSIS FEE.**

Chair Taniguchi and members of the Senate Committee on Judiciary and Government Operations, the Department of the Prosecuting Attorney submits the following testimony in support of S.B. 2153.

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 S.B. 2153 and thank you for this opportunity to testify.

Thank you for this opportunity to testify.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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RANDAL K. MACADANGDANG  
DEPUTY CHIEFS

OUR REFERENCE WK

February 4, 2010

The Honorable Brian T. Taniguchi, Chair  
and Members  
Committee on Judiciary and  
Government Operations  
The Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Members:

Subject: Senate Bill No. 2153, Relating to the DNA Analysis Fee

I am Wayne Kimoto, Forensic Laboratory Director, Scientific Investigation Section,  
Honolulu Police Department.

The Honolulu Police Department supports Senate Bill No. 2153, Relating to the DNA  
Analysis Fee. Passage of this bill would extend the DNA analysis fee requirements to all  
defendants required to provide a DNA sample or specimen under section 844D-31 (a) and to  
felony offenders transferring into Hawaii under an interstate compact.

DNA information is recognized as a valuable tool for investigating criminal cases and  
has many successes with previous legislation enacted for the collection of DNA samples from  
convicted offenders. Without the necessary funding to help defray the costs of analysis, it would  
be difficult for the laboratory to continue to analyze samples collected under the current statute.  
Passage of this bill will help to ensure the success of the DNA registry.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

*DC RHP Muzgo*  
\_\_\_\_\_  
FOR LOUIS M. KEALOHA  
Chief of Police

*Wayne Kimoto*  
WAYNE KIMOTO  
Forensic Laboratory Director  
Scientific Investigation Section