



*The Judiciary, State of Hawaii*

**Testimony to the Senate Committee on Ways and Means**

The Honorable Donna Mercado Kim, Chair

The Honorable Shan S. Tsutsui, Vice Chair

Tuesday, February 23, 2010, 10:00 a.m.

State Capitol, Conference Room 211

by

Janice Yamada

Probation Administrator, Adult Client Services

**WRITTEN TESTIMONY ONLY**

---

**Bill No. and Title:** Senate Bill No. 2153, S. D. 1, 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, S. D. 1 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



House Bill No. 1996, Relating to DNA Analysis Fee  
House Committee on Judiciary  
Thursday, January 28, 2010  
Page 2

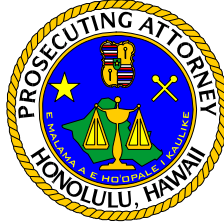
of felony offenders granted deferred pleas and those offenders who come to Hawaii from the mainland and are supervised under the Interstate Compact.

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

DEPARTMENT OF THE PROSECUTING ATTORNEY  
CITY AND COUNTY OF HONOLULU

ALII PLACE  
1060 RICHARDS STREET, HONOLULU, HAWAII 96813  
AREA CODE 808 • 768-7486

PETER B. CARLISLE  
PROSECUTING ATTORNEY



DOUGLAS S. CHIN  
FIRST DEPUTY  
PROSECUTING ATTORNEY

**THE HONORABLE DONNA MERCADO KIM, CHAIR**  
**SENATE WAYS AND MEANS COMMITTEE**  
**Twenty-fifth State Legislature**  
**Regular Session of 2010**  
**State of Hawai'i**

February 23, 2010

**RE: S.B. 2153, S.D. 1; RELATING TO THE DNA ANALYSIS FEE.**

Chair Kim and members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney submits the following testimony in support of S.B. 2153, S.D. 1.

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, S.D. 1 and thank you for this

opportunity to testify.

Thank you for this opportunity to testify.