
A BILL FOR AN ACT

RELATING TO THE COLLECTION OF DNA SAMPLES FROM ARRESTEES OF
SEXUAL OFFENSES AGAINST MINORS.

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

1 SECTION 1. Chapter 844D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§844D- Collection from persons arrested for felony
5 sexual offenses against a minor. (a) A person, except for any
6 juvenile, arrested for the sexual offenses against a minor
7 listed in this section shall provide buccal swab samples and, if
8 required by the collecting agency's rules or internal
9 regulations, blood specimens, immediately at intake or as soon
10 as administratively practicable at the appropriate custodial or
11 receiving institution or program.

12 (b) The sexual offenses against a minor for which an
13 arrestee shall be compelled to provide a buccal swab sample for
14 include violations of sections 707-730(b), 707-730(c), 707-
15 732(b), 707-732(c), 707-733.6, 707-750, and 707-751."

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



1 "(a) Any person, except for any juvenile, who is convicted
2 of, or pleads guilty or no contest to, any felony offense, even
3 if the plea is deferred, or is found not guilty by reason of
4 insanity of any felony offense, or is arrested for a sexual
5 offense as listed in section 844D- , shall provide buccal
6 swab samples and print impressions of each hand, and, if
7 required by the collecting agency's rules or internal
8 regulations, blood specimens, required for law enforcement
9 identification analysis."

10 SECTION 3. Section 844D-71, Hawaii Revised Statutes, is
11 amended by amending subsections (a) and (b) to read as follows:

12 "(a) A person whose DNA profile has been included in the
13 state DNA database and data bank identification program pursuant
14 to this chapter shall have the person's DNA specimen and sample
15 destroyed and searchable database profile expunged from the
16 program pursuant to section 844D-72 if:

- 17 (1) The person has no past or present offense which
18 qualifies that person for inclusion within the state
19 DNA database and data bank identification program;
20 [and]
- 21 (2) There otherwise is no legal basis for retaining the
22 specimen or sample or searchable profile[-]; and



1 (3) The specimen or sample was taken pursuant to section
2 844D-31 and the arrest that led to the take of the
3 specimen or sample has:

4 (A) Resulted in a felony charge that has been
5 resolved by the dismissal, nolle prosequi, a
6 misdemeanor conviction or acquittal; or

7 (B) Has not resulted in a felony charge within one
8 year of the person's arrest.

9 (b) A person requesting expungement of their DNA specimen,
10 sample, and profile:

11 (1) May make a written request to have the person's
12 specimen and sample destroyed and searchable database
13 profile expunged from the state DNA database and data
14 bank identification program if [~~the~~]:

15 (A) The underlying conviction or disposition serving
16 as the basis for including the DNA profile has
17 been reversed and the case dismissed; [~~and~~] or

18 (B) The person's specimen or sample was collected in
19 connection with a felony arrest and is eligible
20 for expungement as described in subsection

21 (a) (3); and



1 (2) Shall send a copy of the person's request to the trial
2 court of the circuit that entered the conviction or
3 rendered disposition in the case, to the department,
4 and to the prosecuting attorney of the county in which
5 the person was convicted or adjudicated, with proof of
6 service on all parties."

7 SECTION 4. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$ or so much
9 thereof as may be necessary for fiscal year 2012-2013 for the
10 purpose of this Act.

11 The sums appropriated shall be expended by the department
12 of the attorney general for the purposes of this Act.

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on January 7, 2059.



Report Title:

DNA; sex offenses against minors

Description:

Mandates the collection of DNA samples from arrestee for sex offenses against minors. Effective January 7, 2059. (HB132 HD1)

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