

JAN 21 2011

A BILL FOR AN ACT

RELATING TO DNA COLLECTION FOR VIOLENT CRIMES.

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

1 SECTION 1. The legislature finds that there is a growing
2 trend towards collecting DNA from persons who are arrested for
3 felonies. While all states require DNA collection for felony
4 convictions, most states have begun considering bills to require
5 collection for felony arrests. Twenty three states have already
6 enacted such legislation.

7 Forensic DNA testing is a vastly more precise and reliable
8 means of human identification than other methods, including
9 fingerprinting. By collecting DNA from arrestees, law
10 enforcement can identify criminals earlier and create more
11 efficient investigation practices. Virginia, which implemented
12 DNA collection for arrestees in 2003, has matched more than six
13 hundred arrestees to unsolved crimes.

14 The legislature further finds that all of the arguments in
15 support of the enactment of chapter 844D are the same arguments
16 for the enactment of legislation calling for the collection of
17 DNA upon arrest for violent felonies--the ability to solve cold
18 cases, saving lives and preventing subsequent violent crimes by



1 providing early identification of serial offenders, absolving
2 the innocent and minimizing wrongful incarceration, minimizing
3 racial bias, and reducing law enforcement costs. Accordingly,
4 the purpose of this Act is to mandate DNA collection for all
5 persons arrested for the commission of a violent felony.

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

8 "(a) Any person, except for any juvenile, who [~~is~~]:

9 (1) Is convicted of [~~or pleads~~] any felony offense;

10 (2) Pleads guilty or no contest to [~~or~~] any felony offense,
11 even if the plea is deferred [~~or is~~];

12 (3) Is found not guilty by reason of insanity of any
13 felony offense [~~or~~]; or

14 (4) Is arrested for any felony offense involving a violent
15 crime as defined in section 351-32;

16 shall provide buccal swab samples and print impressions of each
17 hand, and, if required by the collecting agency's rules or
18 internal regulations, blood specimens, required for law
19 enforcement identification analysis."

20 SECTION 3. Section 844D-34, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~+~~§844D-34~~+~~ Collection from persons confined or in
2 custody after arrest, conviction, or adjudication. A person,
3 except for any juvenile, shall provide buccal swab samples and
4 print impressions and, if required by the collecting agency's
5 rules or internal regulations, blood specimens, immediately at
6 intake, or during the prison reception center process, or as
7 soon as administratively practicable at the appropriate
8 custodial or receiving institution or program if:

9 (1) The person is imprisoned or confined or placed in a
10 state correctional facility, a county correctional
11 facility, the department of public safety, a
12 residential treatment program, or any state, county,
13 private, or other facility after [a]:

14 (A) A conviction of any felony offense; or

15 (B) An arrest on any felony offense described in
16 section 844D-31(a)(4);

17 (2) The person has a record of any past or present
18 conviction of a qualifying offense described in
19 section 844D-31 or has a record of any past or present
20 conviction or adjudication in any other court,
21 including any state, federal, or military court, of
22 any offense, that, if committed or attempted in this



1 State, would have been punishable as an offense
 2 described in section 844D-31; and
 3 (3) The person's blood specimens or buccal swab samples,
 4 and print impressions authorized by this chapter are
 5 not in the possession of the department or have not
 6 been recorded as part of the state DNA database and
 7 data bank identification program."

8 SECTION 4. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on January 1, 2012.

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Report Title:

Crime; DNA Collection

Description:

Requires DNA collection from those arrested on violent felony charges.

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