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GARY A. YABUTA
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CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

January 28, 2013

The Honorable Clayton Hee, Chair
and Members of the Committee on Judiciary and Labor
The Senate
Hawaii State Capitol
Honolulu, HI 96813

RE: Senate Bill No. 1014, RELATING TO FORENSIC IDENTIFICATION

Dear Chair Hee and Members of the Committee:

The Maui Police Department is in support of SB No. 1014. This bill clarifies the grading of the offense of refusal or failure to provide a required blood specimen, buccal swab sample, or print impression for forensic identification by making it a class C felony.

The Maui Police Department is in support of this bill along with several other law enforcement agencies to insure that the collection of these samples for a DNA database for individuals convicted of a felony offense are complete and readily available to help solve crimes, including cold cases, and the exoneration of the innocent.

This bill again, is needed to help insure that offenders already convicted of felony offenses and intentionally refusing to provide a sample will comply with the stricter penalty of a C felony offense other than the current misdemeanor offense for recklessly or negligently refusing to provide a sample.

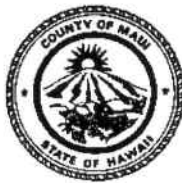
The Maui Police Department asks for your support for S.B. No. 1014.

Thank you for the opportunity to testify.

Sincerely,

GARY A. YABUTA *Am.*
Chief of Police

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney
ROBERT D. RIVERA
First Deputy Prosecuting Attorney

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TESTIMONY

ON

SB 1014 - RELATING TO FORENSIC IDENTIFICATION

January 29, 2013

The Honorable Clayton Hee
Chair
The Honorable Maile S. L. Shimabukuro
Vice Chair
and Members
Senate Committee on Judiciary and Labor

Chair Hee, Vice Chair Shimabukuro and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of SB 1014, Relating to Forensic Identification.

This bill provides for more effective enforcement of the requirement for felons to provide DNA samples. This will improve the reliability of the state's DNA database, which will result in solving cases, and exonerate innocent persons.

We ask that the committee PASS SB 1014.

Thank you very much for the opportunity to provide testimony on this bill.

Kristin Young

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 28, 2013 3:52 PM
To: JDLTestimony
Cc: susan.l.arnett@hawaii.gov
Subject: *Submitted testimony for SB1014 on Jan 29, 2013 09:30AM*

SB1014

Submitted on: 1/28/2013

Testimony for JDL on Jan 29, 2013 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
SUSAN L. ARNETT	State of Hawaii Ofc. of the Public Defender	Oppose	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**Testimony of the Office of the Public Defender
State of Hawaii
to the Senate Committee on Judiciary and Labor**

January 29, 2013

S.B. NO. 1014 RELATING TO FORENSIC IDENTIFICATION.

Senator Hee and Members of the Committee:

S.B. 1014 would eliminate the current misdemeanor offenses of failing to provide a required blood specimen, buccal swab sample, or print impression for forensic identification. Instead, this bill would create a felony offense for intentionally or knowingly failing to provide the sample.

We are opposed to making failure to provide this sample a felony. Such a change will result in increased pre-trial detention for defendants unable to post felony bail amounts and the potential for increased periods of incarceration at the expense of taxpayers. We have seen no demonstrated need for the creation of a felony offense in this regard.

Pro-active criminal conduct should be punished according to the seriousness of the behavior. In this case, it is the lack of conduct that is being punished and it is essentially administrative conduct at that; in other words, the act not being done, i.e. supplying the sample, is not, in and of itself, criminal conduct. Therefore, it should not be treated as a felony.

Thank you for the opportunity to comment on this bill.