

JAN 16 2014

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# A BILL FOR AN ACT

RELATING TO FORENSIC IDENTIFICATION.

**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- Refusal or failure to provide specimen for  
5 identification in the second degree. (a) A person commits the  
6 offense of refusal or failure to provide specimen for forensic  
7 identification in the second degree if the person is required by  
8 this chapter to provide a blood specimen, buccal swab sample, or  
9 print impression and negligently or recklessly refuses or fails  
10 to provide the required blood specimen, buccal swab sample, or  
11 print impression after the person has received written notice  
12 from the department, the department of public safety, any law  
13 enforcement personnel, or any officer of the court that the  
14 person is required to provide a blood specimen, buccal swab  
15 sample, or print impression required by this chapter.  
16           (b) Refusal or failure to provide specimen for forensic  
17 identification in the second degree is a misdemeanor."



1 SECTION 2. Section 844D-111, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§844D-111 Refusal or failure to provide specimen for**  
4 **forensic identification~~[-]~~ in the first degree.** (a) A person  
5 commits the offense of refusal or failure to provide specimen  
6 for forensic identification in the first degree if the person is  
7 required by this chapter to provide [~~any~~] a blood [~~specimens,~~]  
8 specimen, buccal swab [~~samples,~~] sample, or print [~~impressions]~~  
9 impression and intentionally or knowingly refuses or fails to  
10 provide [~~any of~~] the required blood [~~specimens,~~] specimen,  
11 buccal swab [~~samples,~~] sample, or print [~~impressions]~~ impression  
12 after the person has received written notice from the  
13 department, the department of public safety, any law enforcement  
14 personnel, or any officer of the court that the person is  
15 required to provide [~~each and every one of the~~] a blood  
16 [~~specimens,~~] specimen, buccal swab [~~samples, and~~] sample, or  
17 print [~~impressions]~~ impression required by this chapter.  
18 (b) [~~Any person who negligently or recklessly fails to~~  
19 ~~comply with this section shall be guilty of a misdemeanor.~~]  
20 Refusal or failure to provide specimen for forensic  
21 identification in the first degree is a class C felony."



# S.B. NO. 2253

1           SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

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

6           SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: 



# S.B. NO. 2253

**Report Title:**

Forensic Identification; Penalties

**Description:**

Clarifies the grading of the offense of refusal or failure to provide specimen for forensic identification by grading an intentional or knowing violation as a class C felony, and a negligent or reckless violation as a misdemeanor offense.

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