

Honolulu, Hawaii

FEB 04 2014

RE: S.B. No. 2253

S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2253 entitled:

"A BILL FOR AN ACT RELATING TO FORENSIC IDENTIFICATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Create the offense of refusal or failure to provide specimen for forensic identification in the second degree as a misdemeanor for the negligent or reckless refusal or failure to provide a specimen for forensic identification; and
- (2) Amend the offense of refusal or failure to provide specimen for forensic identification under section 844D-111, Hawaii Revised Statutes, by:
  - (A) Changing the name of the offense to refusal or failure to provide specimen for forensic identification in the first degree; and
  - (B) Grading the offense as a class C felony for the intentional or knowing refusal or failure to provide a specimen for forensic identification.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Department of Public



Safety, Police Department of the County of Maui, and Police Department of the City and County of Honolulu.

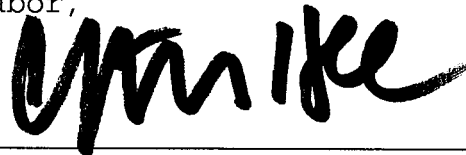
Your Committee finds that all individuals who are convicted of a felony offense are required to submit DNA samples for the purpose of establishing a DNA database that can be used to solve crimes, including cold cases, and exonerate the innocent. Under existing law, if a convicted felon refuses to provide a DNA sample, the only mechanism to obtain compliance is the threat of being prosecuted for a negligent or reckless violation of the offense of refusal or failure to provide specimen for forensic identification under section 844D-111, Hawaii Revised Statutes. By establishing two separate offenses and grades of penalties for the failure or refusal to comply with forensic identification requirements, this measure will allow for more effective enforcement of DNA sample collection requirements.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2253, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2253, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



CLAYTON HEE, Chair



