STAND. COM. REP. NO. **2120**

Honolulu, Hawaii

FEB 0 7 2014

RE: S.B. No. 2615
         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 Public Safety, Intergovernmental and
Military Affairs, to which was referred S.B. No. 2615 entitled:

    "A BILL FOR AN ACT RELATING TO DNA COLLECTION FOR VIOLENT
    CRIMES,"

begs leave to report as follows:

    The purpose and intent of this measure is to:

(1)   Expand the offender database to require DNA collection
       from all persons arrested for the commission of a
       violent felony offense; and

(2)   Provide for the expungement of a DNA record, in certain
       circumstances.

    Your Committee received testimony in support of this measure
from the Department of Public Safety, Maui Police Department,
Department of the Prosecuting Attorney of the City and County of
Honolulu, and DNA Saves. Your Committee received testimony in
opposition to this measure from the Department of the Attorney
General and Honolulu Police Department.

    Your Committee finds that DNA collection is important in
confirming the arrestee's identity; providing background
information that increases the safety of staff, the detainee
population, and the new detainee; identifying the correct
perpetrator and exonerating the innocent; creating more efficient
investigative practices; and reducing law enforcement costs.

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Currently, almost thirty states, the federal government, and the Department of Defense are authorized to collect DNA samples from arrestees.

Your Committee has amended this measure by deleting its contents and inserting language to:

(1) Establish a new section in chapter 844D, Hawaii Revised Statutes, to require DNA collection from all persons arrested for the commission or attempted commission of a felony offense involving a violent crime and to establish collection responsibilities of the arresting authority;

(2) Amend section 831-3.2, Hawaii Revised Statutes, to provide for the expungement of arrestee DNA;

(3) Amend section 844D-71, Hawaii Revised Statutes, to restrict the applicability of that section to expungement of DNA samples, specimens, and profiles provided by arrestees pursuant to the new section in chapter 844D, Hawaii Revised Statutes;

(4) Amend sections 844D-83(a), 844D-113(a)(1), and 844D-(114)(a)(1), Hawaii Revised Statutes, to include the unauthorized use of samples or profiles of individuals arrested for violent felony offenses;

(5) Insert an appropriation to cover expenses of DNA collection and analysis;

(6) Change the effective date to January 1, 2015, with the appropriation effective on July 1, 2014; and

(7) Make technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2615, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2615, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental and Military
Affairs,

_____
WILL ESPERO, Chair

Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2615	PSM, JDL	1-28-2014

☐ The committee is reconsidering its previous decision on this measure.

If so, then the previous decision was to: _____

The Recommendation is:

☐ Pass, unamended 2312 ☑ Pass, with amendments 2311 ☐ Hold 2310 ☐ Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
GALUTERIA, Brickwood				✓
GREEN, Josh	✓			
SLOM, Sam				✓
TOTAL	3	—	—	2

Recommendation: ☑ Adopted ☐ Not Adopted

Chair's or Designee's Signature: *Rosalyn H. Baker*

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*Only <u>one</u> measure per Record of Votes