

SB 2615

RELATING TO DNA COLLECTION FOR VIOLENT CRIMES

Requires persons arrested for a felony offense involving a violent crime to provide DNA samples. Provides for the expungement and destruction of DNA records under certain circumstances.

PSM, JDL

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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TESTIMONY ON SENATE BILL 2615
A BILL RELATING TO DNA COLLECTION FOR VIOLENT CRIMES

Ted Sakai, Director
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental and Military Affairs
Senator Will Espero, Chair
Senator Rosalyn H. Baker, Vice Chair

Tuesday, January 28, 2014, 3:00 p.m.
State Capitol, Conference Room 224

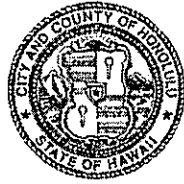
Chair Espero, Vice Chair Baker, and Members of the Committee:

The Department of Public Safety **supports the intent** of Senate Bill 2615, Relating to DNA Collection for Violent Crimes. This bill requires the collection of DNA from persons arrested for a felony offense involving a violent crime, and expungement and destruction of DNA records under certain circumstances. The Department has been collecting DNA from sentenced offenders since 2005, and will expand our duty to collect samples should this bill become law.

Thank you for this opportunity to testify on this bill.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE **WK-WK**

January 28, 2014

The Honorable Will Espero, Chair
and Members
Committee on Public Safety,
Intergovernmental and Military Affairs
State Senate
Hawaii State Capitol, Room 224
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Espero and Members:

SUBJECT: Senate Bill No. 2615, Relating to DNA Collection for Violent Crimes

I am Wayne Kimoto, Forensic Laboratory Director of the Scientific Investigation Section of the Honolulu Police Department (HPD), City and County of Honolulu.

The Honolulu Police Department (HPD) opposes Senate Bill No. 2615, Relating to DNA Collection for Violent Crimes. This bill is aimed at expanding the offender database to include arrestees of violent felony offenses. The bill also provides for the expunging and destruction of DNA records under certain circumstances.

However, this bill does not include amendments to standardize the language of sections 83(a), 113(a)(1), and 114(a)(1) of Chapter 844D, Hawaii Revised Statutes (HRS), to limit the authorized use; access; and disclosure of DNA records and DNA samples. Currently, these sections state the penalties for the unauthorized use or disclosure of an offender specimen, sample, or DNA profile collected pursuant to this statute.

The HPD recommends arrestees of violent felony offenses be incorporated into these sections as follows to include penalties for the unauthorized use or disclosure of an arrestee or offender specimen, sample, or DNA profile collected pursuant to this statute.

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and Members
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Section 844D-83, HRS, amended to read as follows:

"[§844D-83] Knowing use or disclosure by department employee of forensic identification information for other than criminal identification or exclusion purposes. (a) If any employee of the department knowingly uses an [offender] arrestee or offender specimen, sample, or DNA profile collected pursuant to this chapter for other than criminal identification or exclusion purposes, or knowingly discloses DNA or other forensic identification information developed pursuant to this section to an unauthorized individual or agency for other than criminal identification or exclusion purposes or for other than the identification of missing persons, in violation of this chapter, the department shall be liable in civil damages to the donor of the DNA identification information in the amount of \$5,000 for each violation, plus attorney's fees and costs."

Section 844D-113, HRS, amended to read as follows:

"[§844D-113] Unauthorized disclosure of DNA sample or profile. (a) A person commits the offense of unauthorized disclosure of DNA sample or profile if the person intentionally or knowingly, in violation of this chapter:

(1) Uses an [offender] arrestee or offender sample or DNA profile for other than criminal identification or exclusion purposes; or "

Section 844D-114, HRS, amended to read as follows:

"[§844D-114] Use of DNA sample or profile for financial gain. (a) A person commits the offense of use of DNA sample or profile for financial gain if the person, for the purpose of financial gain, intentionally or knowingly, in violation of this chapter:

(1) Uses an [offender] arrestee or offender sample or DNA profile for other than criminal identification or exclusion purposes; or "

The amendments to these sections would include persons arrested for violent felony offenses and would strengthen state laws limiting authorized use, access to, and disclosure of DNA records and DNA samples.

The Honorable Will Espero, Chair
and Members
Committee on Public Safety,
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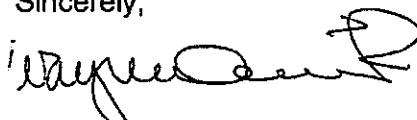
Appropriations are also necessary to train law enforcement personnel, cover analysis costs, and add personnel to support the proposed changes to the state DNA database and data bank identification program. Without the appropriation, the HPD will not be able to meet the proposed, immediate effective date of Senate Bill No. 2615, Relating to DNA Collection for Violent Crimes.

The HPD recognizes that DNA information is a valuable tool to ensure accurate identification of arrested persons and, in some instances, identify the perpetrator of an unsolved crime, thus assisting law enforcement investigative efforts.

We recommend the revisions to Senate Bill No. 2615, Relating to DNA Collection for Violent Crimes, as explained in this testimony.

Thank you for the opportunity to testify.

Sincerely,

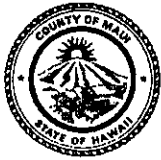


Wayne Kimoto
Forensic Laboratory Director
Scientific Investigation Section

APPROVED:



LOUIS M. KEALOHA
Chief of Police



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OUR REFERENCE
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GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

January 27, 2014

The Honorable Senator Will Espero, Chair
And Members of the Committee on Public Safety,
Intergovernmental and Military Affairs
The Senate
State Capitol
Honolulu, HI 96813

RE: Senate Bill No. 2615 RELATING TO DNA COLLECTION FOR VIOLENT
CRIMES

Dear Chair Espero and Members of the Committee:

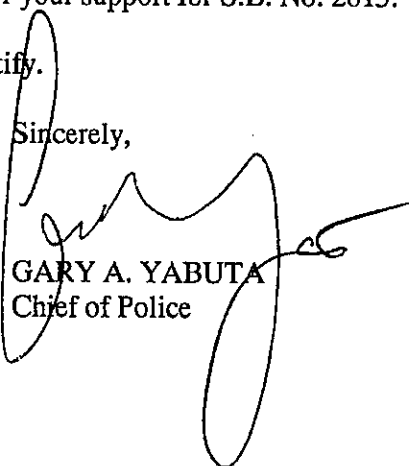
The Maui Police Department is in support of SB No. 2615. This bill requires persons arrested for a felony offense involving a violent crime to provide DNA samples and for the expungement and destruction of DNA records under certain circumstances. This bill will also provide a valuable resource to identify criminals earlier and create more efficient investigative practices.

If this bill is passed, we request that funding be provided to handle the expansion of this program, as it will help to keep the communities safe in our state.

The Maui Police Department asks for your support for S.B. No. 2615.

Thank you for the opportunity to testify.

Sincerely,


GARY A. YABUTA
Chief of Police