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# A BILL FOR AN ACT

RELATING TO SEXUAL ASSAULT.

**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- Sexual assault evidence; reporting. (a) By  
5 September 1, 2016, all law enforcement agencies and departments  
6 charged with the maintenance, storage, and preservation of  
7 sexual assault evidence collection kits shall conduct an  
8 inventory of all such kits being stored by the agency or  
9 department.

10           (b) By September 1, 2016, each law enforcement agency and  
11 department subject to subsection (a) shall compile, in writing,  
12 a report containing the number of untested sexual assault  
13 evidence collection kits in the possession of the agency or  
14 department and the date the sexual assault evidence collection  
15 kit was collected. The reports shall be transmitted to the  
16 department of the attorney general.

17           (c) By December 1, 2016, the department of the attorney  
18 general shall prepare and transmit a report to the president of



1 the senate and the speaker of the house of representatives  
2 containing the number of untested sexual assault evidence  
3 collection kits currently being stored by each county, law  
4 enforcement agency, or department and the date each untested kit  
5 was originally collected. The department of the attorney  
6 general shall involve community stakeholders in drafting the  
7 report, including representatives from each county. The report  
8 shall also provide the following information:

- 9       (1) An explanation of the processes that were used in the  
10           past to decide which sexual assault evidence  
11           collection kits were and were not tested;
- 12       (2) Progress made to reduce the number of untested sexual  
13           assault evidence collection kits to date;
- 14       (3) A plan and expected timeframe for further reduction in  
15           the number of untested sexual assault evidence  
16           collection kits;
- 17       (4) A plan for determining priority of untested sexual  
18           assault evidence collection kits and new sexual  
19           assault evidence collection kits for testing;
- 20       (5) Processes that have been adopted or will be adopted to  
21           better track and inventory tested and untested sexual



- 1           assault evidence collection kits, including their  
2           locations;
- 3           (6) Expected outcomes from testing untested sexual assault  
4           evidence collection kits and testing new sexual  
5           assault evidence collection kits;
- 6           (7) The criteria and process to determine which untested  
7           sexual assault evidence collection kits will be tested  
8           and the criteria and process for testing to be applied  
9           to all new sexual assault evidence collection kits;
- 10          (8) The sites and locations of the testing of the untested  
11          sexual assault evidence collection kits and testing of  
12          new sexual assault evidence collection kits;
- 13          (9) Victim notification, support services, and other  
14          resources that may become necessary in connection with  
15          testing untested sexual assault evidence collection  
16          kits and new sexual assault evidence collection kits;
- 17          (10) The expected cost of all projected plans and processes  
18          not yet in place for testing untested sexual assault  
19          evidence collection kits and new sexual assault  
20          evidence collection kits;



1       (11) An assessment of potential funding sources, including  
2       federal grants for which applications have been, will  
3       be, or may be submitted; and

4       (12) Potential areas for further legislative action or  
5       policy changes.

6       (d) Beginning July 1, 2017, all law enforcement agencies  
7       and departments shall submit new sexual assault evidence  
8       collection kits for testing in accordance with the criteria and  
9       policies established and reported by the department of the  
10       attorney general pursuant to subsection (c).

11       (e) By July 1, 2018, all law enforcement agencies and  
12       departments shall complete the testing of all untested sexual  
13       assault evidence collection kits in accordance with criteria and  
14       policies established and reported by the department of the  
15       attorney general pursuant to subsection (c).

16       (f) As used in this section:

17       "Forensic medical examination" means an examination  
18       provided to the victim of a suspected sexually-oriented criminal  
19       offense by a health care provider for the purpose of gathering  
20       and preserving evidence of a suspected sexual assault.



1       "Sexual assault evidence collection kit" means a human  
2 biological specimen or specimens collected by a health care  
3 provider during a forensic medical examination from the victim  
4 of a suspected sexually-oriented criminal offense.

5       "Untested sexual assault evidence collection kit" means a  
6 sexual assault evidence collection kit that has not been  
7 submitted to a qualified laboratory for either a serology or DNA  
8 test."

9       SECTION 2. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$500,000 or so much  
11 thereof as may be necessary for fiscal year 2016-2017 to  
12 initiate the testing of at least five hundred untested sexual  
13 assault evidence collection kits by an accredited forensic  
14 laboratory, in accordance with state and federal law and minimum  
15 requirements for quality assurance, by December 31, 2016, and  
16 for associated victim support services; provided that the  
17 department of the attorney general, in consultation with key  
18 stakeholders, shall make arrangements with one or more  
19 accredited forensic laboratories to test the sexual assault  
20 evidence collection kits to ensure that sexual assault evidence  
21 collection kits are analyzed and the results are entered into



1 the Federal Bureau of Investigation Combined DNA Index System in  
2 accordance with applicable rules and procedures.

3 The sum appropriated shall be expended by the department of  
4 the attorney general for the purposes of this Act.

5 SECTION 3. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2016.



**Report Title:**

Sexual Assault Evidence Collection Kit; Reporting; Attorney General; Sexual Assault; Forensic Evidence; Appropriation

**Description:**

Requires all law enforcement agencies and departments charged with maintenance, storage, and preservation of sexual assault evidence collection kits to conduct an inventory of all stored kits and report to the Attorney General. Requires the Department of the Attorney General to report to the Legislature on the number of untested sexual assault evidence collection kits being stored, plans and procedures for the disposition of new and untested kits, and related information. Appropriates funds for testing of at least 500 kits by December 31, 2016.  
(HB1907 CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

