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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 30, 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 30, 2016, each law enforcement agency and  
11 department shall compile, in writing, a report containing the  
12 number of untested sexual assault evidence collection kits in  
13 the possession of the agency or department and the date the  
14 sexual assault evidence collection kit was collected. The  
15 report shall be transmitted to the department of the attorney  
16 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 being stored by each county, by each law  
4 enforcement agency or department, and the date the untested kit  
5 was collected. The report shall also provide the following  
6 information:

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



- 1       (6) Expected outcomes from testing untested sexual assault  
2           evidence collection kits and testing new sexual  
3           assault evidence collection kits;
- 4       (7) The criteria used for testing the untested sexual  
5           assault evidence collection kits and testing of new  
6           sexual assault evidence collection kits;
- 7       (8) The sites and locations of the testing of the untested  
8           sexual assault evidence collection kits and testing of  
9           new sexual assault evidence collection kits;
- 10      (9) Victim notification, support services, and other  
11           resources that may become necessary in connection with  
12           testing untested sexual assault evidence collection  
13           kits and new sexual assault evidence collection kits;
- 14      (10) The expected cost of all projected plans and processes  
15           not yet in place for testing untested sexual assault  
16           evidence collection kits and new sexual assault  
17           evidence collection kits;
- 18      (11) An assessment of potential funding sources, including  
19           federal grants for which applications have been, will  
20           be, or may be submitted; and



1       (12) Potential areas for further legislative action or  
2           policy changes.

3       (d) As used in this section:

4       "Forensic medical examination" means an examination  
5 provided to the victim of a sexually-oriented criminal offense  
6 by a health care provider for the purpose of gathering and  
7 preserving evidence of a sexual assault.

8       "Sexual assault evidence collection kit" means a human  
9 biological specimen or specimens collected by a health care  
10 provider during a forensic medical examination from the victim  
11 of a sexually-oriented criminal offense, and related to a  
12 criminal investigation.

13       "Untested sexual assault evidence collection kit" means a  
14 sexual assault evidence collection kit that has not been  
15 submitted to a qualified laboratory for either a serology or DNA  
16 test."

17       SECTION 2. There is appropriated out of the general  
18 revenues of the State of Hawaii the sum of \$            or so  
19 much thereof as may be necessary for fiscal year 2016-2017 to  
20 initiate the testing of at least five hundred untested sexual  
21 assault evidence collection kits by December 31, 2016; provided



1 that the department of the attorney general shall distribute the  
2 sum among the county of Hawaii, county of Maui, and city and  
3 county of Honolulu based on each county's pro rata share of  
4 untested kits as of July 1, 2016.

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

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on January 7, 2059.



**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 kits they store and transmit a report of the number of untested sexual assault evidence kits they possess to the department of the attorney general. Requires the department of the attorney general to report the number of untested sexual assault evidence kits being stored and various information related to those kits. Appropriates funds to initiate testing of at least five hundred untested sexual assault evidence collected kits. Takes effect on 1/7/2059. (SD2)

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

