
A BILL FOR AN ACT

RELATING TO SEXUAL ASSAULT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that health care
2 personnel use a sexual assault evidence collection kit, commonly
3 referred to as a rape kit, to collect and preserve physical
4 evidence, including DNA, after an alleged sexual assault to help
5 identify an assailant or eliminate a suspect. Unlike Hawaii,
6 twenty-seven states already have laws regarding sexual assault
7 victims, forensic medical examinations, and the collection of
8 forensic evidence using a rape kit. These laws vary from
9 requiring training of medical staff conducting forensic medical
10 examinations of sexual assault victims to establishing rape kit
11 evidence collection and analysis timelines.

12 The purpose of this Act is to improve the State's ability
13 to hold perpetrators accountable and ensure responsive and
14 effective criminal justice practices through the establishment
15 of the statewide sexual response system and sexual assault
16 victim examination protocols, including time frames pertaining



1 to the collection, submittal, and analysis of forensic medical
2 evidence.

3 SECTION 2. Chapter 28, Hawaii Revised Statutes, is amended
4 by adding a new part to be appropriately designated and to read
5 as follows:

6 "PART . HAWAII SEXUAL ASSAULT RESPONSE AND TRAINING PROGRAM

7 §28-A Definitions. As used in this part, unless the
8 context clearly indicates otherwise:

9 "Department" means the department of the attorney general.

10 §28-B Hawaii sexual assault response and training program;
11 establishment; purpose. (a) The department shall administer
12 the Hawaii sexual assault response and training program by
13 procuring the necessary services to establish and implement the
14 Hawaii sexual assault response and training program, a statewide
15 coordinated, multi-disciplinary approach to delivering medical
16 care to victims of sexual assault, and for the collection,
17 management, and evaluation of forensic evidence related to
18 sexual assault offenses under sections 707-730, 707-731, 707-
19 732, 707-733, and 707-733.6.

20 (b) The purpose of the Hawaii sexual assault response and
21 training program shall be to sustain a consultative partnership



1 on responding to sexual assault, which may include researching
2 and incorporating state-of-the-art sexual assault medical
3 forensic services into daily practices; coordinating
4 multidisciplinary training to address sexual assault offenses
5 and its victims; exploring national issues and best practices on
6 sexual assault responses; achieving statewide standardization of
7 processes to respond to sexual assault; and identifying and
8 resolving challenges in responding to sexual assault.

9 §28-C Hawaii sexual assault response and training program
10 membership; terms; duties. (a) The Hawaii sexual assault
11 response and training program membership shall include, but is
12 not limited to:

- 13 (1) A representative from each county prosecuting
14 attorney's office;
- 15 (2) A sexual assault forensic physician or nurse examiner
16 from each county;
- 17 (3) A representative from each county police department;
- 18 (4) The department's statewide sexual assault services
19 contract recipient and the recipient's subrecipients;
20 and



1 (5) A representative from the Honolulu police department
2 scientific investigation section.

3 (b) The members shall serve for an unlimited number of
4 two-year terms.

5 (c) The members shall serve without compensation but shall
6 be reimbursed for necessary expenses, including travel expenses.

7 (d) It shall be the duty of each member to implement the
8 statewide sexual assault response and training program pursuant
9 to section 28-B."

10 SECTION 3. Chapter 844D, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§844D- Sexual assault evidence collection, submittal,
14 and analysis. (a) Within seventy-two hours of receipt of
15 written consent, the health care provider shall submit evidence
16 collected as a result of the forensic medical examination to the
17 department for evaluation of the presence of a body fluid,
18 cellular material, or DNA.

19 (b) Within fourteen days of receipt of evidence collected
20 as a result of the forensic medical examination, the department
21 shall submit the evidence for evaluation of the presence of a



1 body fluid, cellular material, or DNA to the designated entity,
2 as provided in section 844D-23.

3 (c) Within ninety days of receipt of evidence collected as
4 a result of the forensic medical examination, the department or
5 the department's designated entity, as provided in section
6 844D-23, shall evaluate the evidence for the presence of a body
7 fluid, cellular material, or DNA.

8 (d) Records derived from the DNA analysis in subsection
9 (c) shall be included in the state DNA database.

10 (e) The failure of the department to take possession of
11 forensic medical examination sexual assault evidence or to
12 submit evidence for analysis within the time prescribed under
13 this section shall not alter the authority of the department to
14 take possession of that evidence or submit that evidence for
15 analysis, or the authority of the department or department's
16 designated entity to analyze the evidence.

17 (f) The failure to comply with the requirements of this
18 section does not constitute grounds in a criminal proceeding for
19 challenging the validity of a database match or of any database
20 information, and any evidence of that DNA record shall not be
21 excluded by a court on those grounds."



1 SECTION 4. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so much
3 thereof as may be necessary for fiscal year 2015-2016 and the
4 same sum or so much thereof as may be necessary for fiscal year
5 2016-2017 for the implementation of the Hawaii sexual assault
6 response and training program pursuant to this Act.

7 The sums appropriated shall be expended by the department
8 of the attorney general for the purposes of this Act.

9 SECTION 5. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2015-2016 and
12 the same sum or so much thereof as may be necessary for fiscal
13 year 2016-2017 for a grant-in-aid to the Honolulu police
14 department of the city and county of Honolulu to comply with
15 section 3 of this Act.

16 The sums appropriated shall be expended by the Honolulu
17 police department of the city and county of Honolulu for the
18 purposes of this Act.

19 SECTION 6. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 7. In codifying the new sections added by section
2 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 8. New statutory material is underscored.

6 SECTION 9. This Act shall take effect upon its approval;
7 provided that sections 4 and 5 of this Act shall take effect on
8 July 1, 2015.



Report Title:

Attorney General; Hawaii Sexual Assault Response and Training Program; Sexual Assault Evidence Collection and Analysis; Appropriation

Description:

Establishes the Hawaii sexual assault response and training program and sexual assault victim examination protocols, including time frames pertaining to the collection, submittal, and analysis of forensic medical evidence. Makes appropriations. (SB275 HD1)

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