

Honolulu, Hawaii

March 4, 2016

RE: H.B. No. 1907
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1907, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT,"

begs leave to report as follows:

The purpose of this measure is to establish the Sexual Assault Kit Tracking Program. More specifically, this measure requires, among other things:

- (1) All law enforcement agencies to submit sexual assault kits connected to a criminal investigation to an authorized laboratory for analysis subject to specified timelines and to report results of the analysis to state and federal databases;
- (2) Each law enforcement agency that obtains a sexual assault kit in connection with a criminal investigation to annually report to the Department of the Attorney General on the number of sexual assault kits in its possession; and
- (3) The police department of each county, the Department of Public Safety, and the Division of Conservation and Resources Enforcement to submit a report to the Legislature no later than twenty days prior to the convening of the Regular Session of 2017 on the number of kits in its possession and the progress on any backlog, and make the reports publicly available.



The Hawaii State Commission on the Status of Women; Hawaii Women's Coalition; Planned Parenthood Votes Northwest and Hawaii; Joyful Heart Foundation; and several individuals supported this measure. The Department of the Attorney General; Department of the Prosecuting Attorney of the City and County of Honolulu; Office of the Prosecuting Attorney of the County of Kauai; Honolulu Police Department; Department of the Prosecuting Attorney of the County of Maui; Office of the Prosecuting Attorney of the County of Hawaii; and the Sex Abuse Treatment Center provided comments.

Your Committee has amended this measure by:

- (1) Prohibiting any law enforcement agency from releasing a sexual assault kit to a laboratory for testing unless the agency has received prior written consent from the complainant or the parent or legal guardian of a minor complainant;
- (2) Requiring law enforcement agencies to retain written consent for release of a sexual assault kit to a laboratory for testing;
- (3) Inserting a blank appropriation for the Department of the Attorney General; and
- (4) Making technical nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1907, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1907, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



