

Honolulu, Hawaii

APR 08 2016

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

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred H.B. No. 1907, H.D. 2, S.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require 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 collection kits they possess to the Department of the Attorney General by December 1, 2016; and
- (2) Require the Department of the Attorney General to report the number of untested sexual assault evidence collection kits being stored and various information related to those kits by December 1, 2017.

Your Committees received testimony in support of this measure from the Department of the Attorney General; Hawaii State Commission on the Status of Women; Department of the Prosecuting Attorney, City and County of Honolulu; American Association of University Women of Hawaii; American Association of University Women Windward; Joyful Heart Foundation; Maui Sexual Assault Center; Planned Parenthood Votes Northwest and Hawaii; The Sexual



Abuse Treatment Center; YWCA of Hawai'i Island; YWCA of Kaua'i; Women's Caucus of the Democratic Party of Hawai'i; Hawaii Women's Coalition; and four individuals.

Your Committees find that evidence collected through sexual assault kits should be analyzed and recorded within a reasonable time to ensure that the evidence is available to identify and prosecute perpetrators of sexual assaults, establish or eliminate possible connections between perpetrators and other crimes, and exonerate innocent defendants who are wrongfully accused. Your Committees further find that sexual assailants are frequently serial offenders, and that testing the backlog of untested sexual assault kits could allow prosecution of previously unidentified sexual assailants.

Your Committees have amended this measure by:

- (1) Changing the due date from December 1, 2016, to September 30, 2016, for law enforcement agencies and departments responsible for sexual assault evidence collection kits to conduct an inventory of all kits and transmit a report to the Department of the Attorney General;
- (2) Changing the due date from December 1, 2017, to December 1, 2016, for the Department of the Attorney General to report on the number of untested sexual assault evidence collection kits and related information;
- (3) Adding language to require that the report regarding untested sexual assault evidence kits include the criteria used and the sites and locations of the testing of untested sexual assault evidence collection kits and new sexual assault evidence collection kits;
- (4) Inserting an appropriation of an unspecified amount to the Department of the Attorney General to initiate the testing of at least five hundred untested sexual assault evidence collection kits by December 31, 2016, and requiring the Department to distribute the funds among the Counties of Hawaii and Maui, and the City and County of Honolulu based on each county's pro rata share of untested kits as of July 1, 2016;



- (5) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1907, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 1907, H.D. 2, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



JILL N. TOKUDA, Chair



GILBERT S.C. KEITH-AGARAN, Chair



