

Honolulu, Hawaii

FEB 19 2016

RE: S.B. No. 2309  
S.D. 1

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

Sir:

Your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary and Labor, to which was referred S.B. No. 2309 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 the Honolulu Police Department to establish the sexual assault kit tracking program;
- (2) Require law enforcement agencies to submit sexual assault kits obtained in connection with a criminal investigation to a laboratory within ten business days;
- (3) Require each law enforcement agency that obtains a sexual assault kit in connection with a criminal investigation to report to the Department of the Attorney General annually on the number of untested kits in the custody of the Honolulu Police Department; and
- (4) Require the police department of each county, the Department of Public Safety, and the Division of Conservation and Resources Enforcement to report to the Legislature on the number of untested kits and any progress on the backlog, and to make that report available to the public.



Your Committees received testimony in support of this measure from the Honolulu Police Department, Hawaii State Commission on the Status of Women, Planned Parenthood Votes Northwest and Hawaii, and three individuals. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that, according to supplemental testimony by the Honolulu Police Department, the number of untested sexual assault kits in the department's custody is approximately 1,500. Once tested, an offender's DNA from a sexual assault kit can be matched with other offender samples in the Federal Bureau of Investigation's national database. Analysis of previously untested kits in other jurisdictions have resulted in the capture of serial rapists, so thorough and timely testing of all outstanding kits in Hawaii is vitally important.

Your Committees further recognize that sexual assault kits are only analyzed by forensic laboratories at the request of a prosecuting attorney, so the sexual assault kit tracking program would be more appropriately administered by the department of the prosecuting attorney for each county.

Your Committees have amended this measure by:

- (1) Placing the sexual assault kit tracking program under the department of the prosecuting attorney of each county and making conforming amendments; and
- (2) 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 Public Safety, Intergovernmental, and Military Affairs and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2309, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2309, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Public Safety,  
Intergovernmental, and Military  
Affairs and Judiciary and  
Labor,

  
GILBERT S.C. KEITH-AGARAN, Chair

  
CLARENCE K. NISHIHARA, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

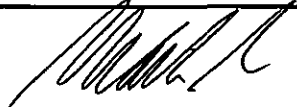
**Record of Votes**  
**Committee on Public Safety, Intergovernmental and Military Affairs**  
**PSM**

Bill / Resolution No.:* <b>SB2309</b>	Committee Referral: <b>PSM/JDL, WAM</b>	Date: <i>2/14/16</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	/			
ESPERO, Will (VC)	/			
BAKER, Rosalyn H.	/			
INOUYE, Lorraine R.	/			
SLOM, Sam	/			
<b>TOTAL</b>	<i>5</i>			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Will Espero</i>				
Distribution:                     Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2309	PSM/JDL, WAM	2/17/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike	/			
██████████				
KIM, Donna Mercado				/
THIELEN, Laura H.	/			
SLOM, Sam	/			
<b>TOTAL</b>	5			/
Recommendation:				
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted		
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
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