

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2309
S.D. 2

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

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2309, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to address the management of sexual assault kits.

More specifically, the measure:

- (1) Establishes the Sexual Assault Kit Tracking Program;
- (2) Requires a law enforcement agency that receives a sexual assault kit in connection with a criminal investigation to submit the kit to a laboratory for analysis within ten business days;
- (3) Requires a laboratory that receives a sexual assault kit from a law enforcement agency for analysis to complete the analysis within six months if sufficient staffing and resources are available;
- (4) Requires the results of sexual assault kit analyses to be uploaded to certain databases;
- (5) Requires a law enforcement agency that receives a sexual assault kit in connection with a criminal investigation to provide annual written notice to the Department of



the Attorney General regarding the number of kits so received that have not been submitted to a laboratory for analysis;

- (6) Requires the Department of the Attorney General to make arrangements for the analysis of all sexual assault kits utilized prior to July 1, 2016, and to ensure that analysis results are uploaded to certain databases;
- (7) Provides that the failure of a law enforcement agency to timely submit for analysis a sexual assault kit utilized on or after July 1, 2016, shall not alter the authority of the agency to submit the kit for analysis or render evidence derived from the kit inadmissible in court;
- (8) Requires that a certification be included with sexual assault kit evidence submitted for analysis;
- (9) Requires the expungement from certain databases of records not connected to a criminal investigation; and
- (10) Requires a report to the Legislature prior to the Regular Session of 2017 regarding the sexual assault kit tracking program, including the number of unprocessed sexual assault kits collected before July 1, 2016, and the status of any backlog.

Your Committee received written comments in support of this measure from the Hawaii State Commission on the Status of Women, Department of the Prosecuting Attorney of the City and County of Honolulu, Kauai Police Department, and Planned Parenthood Votes Northwest and Hawaii.

Your Committee received comments on the measure from the Department of the Attorney General and the Hawaii Police Department Forensic Laboratory.

Your Committee finds that evidence collected utilizing 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 Committee has amended this measure by adding an unspecified appropriation for the Department of the Attorney General to facilitate the processing of sexual assault kits utilized as part of a criminal investigation prior to July 1, 2016.

Your Committee respectfully requests that, as this measure moves through the legislative process, future committees consider reconciling the content of this measure with the content of Senate Bill No. 2366, which requires law enforcement agencies and certain departments to compile information on untested sexual assault collection kits and transmit that information to the Attorney General, and deciding which of these measures is the appropriate vehicle to advance the initiatives proposed by them.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2309, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2309, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,

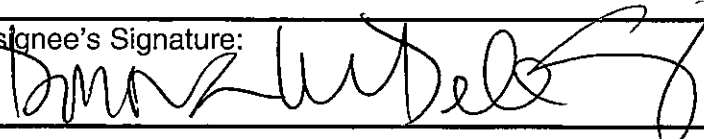


JILL N. TOKUDA, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* SB 2309, SD 1	Committee Referral: PSM/SDL, WAM	Date: 2/25/16		
<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
TOKUDA, Jill N. (C)	/			
DELA CRUZ, Donovan M. (VC)	/			
CHUN OAKLAND, Suzanne				/
ENGLISH, J. Kalani	/			
GALUTERIA, Brickwood				/
HARIMOTO, Breene	/			
INOUYE, Lorraine R.	/			
RIVIERE, Gil	/			
TANIGUCHI, Brian T.	/			
WAKAI, Glenn	/			
SLOM, Sam	/			
TOTAL	9			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes