

LATE TESTIMONY

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO
PROSECUTING ATTORNEY



ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE GILBERT KEITH-AGARAN, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-eighth State Legislature
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State of Hawai'i

February 2, 2015

RE: S.B. 152; RELATING TO THE RETENTION OF BIOLOGICAL EVIDENCE.

Chair Keith-Agaran, Vice-Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of Senate Bill 152.

The purpose of this bill is to establish reasonable guidelines and limitations for the post-conviction retention of biological evidence by law enforcement agencies and the courts, including a hearings process by which courts can determine early-on whether prolonged retention is warranted.

The current language of HRS §884D-126(a) contains a blanket requirement that law enforcement agencies retain, for all levels of convictions, any and all evidence that "may contain biological evidence that could be used for DNA analysis," regardless of whether DNA analysis is relevant to the issues in dispute. While police departments across the State are doing their best to comply with the current laws, this also forces them to maintain vast storage facilities to store items, sometimes needlessly, without actually furthering the intent of these evidence retention requirements. Senate Bill 152 seeks to address these issues by establishing reasonable procedures and standards for evidence custodians to retain or dispose of relevant biological evidence, and allows courts to determine early-on whether prolonged retention is appropriate for these purposes.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of Senate Bill 152. Thank you for the opportunity to testify on this matter.