

Honolulu, Hawaii

February 16, 2018

RE: H.B. No. 2131
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2131 entitled:

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

begs leave to report as follows:

The purpose of this measure is to address the manner in which sexual assault evidence collection kits are processed and tracked and to ensure that victims of sexual assault are informed of their rights under the law by:

- (1) Creating and appropriating funds for a Hawaii Sexual Assault Response Team; and
- (2) Requiring:
 - (A) Annual reports to the Attorney General on the status of sexual assault evidence collection kits; and
 - (B) Annual summary reports by the Attorney General to the Legislature.

The American Association of University Women in Hawaii, Joyful Heart Foundation, Oahu County Committee on Legislative Priorities of the Democratic Party of Hawaii, Hawaii Women



Lawyers, League of Women Voters of Hawaii, Hawaii Women's Coalition, and one individual testified in support of this measure. The Department of the Attorney General, City and County of Honolulu Department of the Prosecuting Attorney, County of Hawaii Office of the Prosecuting Attorney, Honolulu Police Department, and Sex Abuse Treatment Center provided comments.

Your Committee has amended this measure by:

- (1) Removing references to the Combined DNA Index System (CODIS) in the definition of "DNA analysis";
- (2) Changing the definition of "law enforcement agency" to mean a county police department;
- (3) Requiring the Department of the Attorney General to establish a Hawaii Sexual Assault Response and Training Program, rather than a Hawaii Sexual Assault Response Team;
- (4) Amending the membership of the Hawaii Sexual Assault Response and Training Program by replacing accredited and approved DNA laboratories with the state or county CODIS administrator;
- (5) Clarifying the duties of the Hawaii Sexual Assault Response and Training Program to include regularly scheduled meetings and developing protocols for the collection of forensic evidence;
- (6) Removing the requirement that facilities that collect, receive, maintain, store, or preserve sexual assault evidence collection kits report to the Department of the Attorney General;
- (7) Amending the required information for the annual report to the Legislature by the Attorney General;
- (8) Amending the length of time unreported sexual assault evidence collection kits must be stored from 20 years for all unreported kits to at least 20 years if the victim was under the age of 18 at the time of the incident, and five years if the victim was 18 or older at the time of the incident;



- (9) Amending the conditions and timeframes for taking possession of and submitting sexual assault evidence collection kits for testing;
- (10) Requiring the state CODIS administrator, or designee, to enter DNA profiles into CODIS;
- (11) Clarifying that a law enforcement agency shall retain the sexual assault evidence collection kit for a specified period if there has been no acquittal or final dismissal, in addition to no conviction;
- (12) Specifying that entities allowed to collect, receive, maintain, store, or preserve sexual assault evidence collection kits shall be approved by the Department of the Attorney General;
- (13) Deleting language allowing victims of sexual assault to anonymously access the system and language requiring the victims to receive secure updates regarding the location and status of their kits;
- (14) Deleting language requiring the use of technology that allows for continuous access of the tracking system and allowing law enforcement to contract out for the development, operation, and maintenance of the system;
- (15) Inserting language requiring the Department of the Attorney General to have access to the electronic tracking system at all times statewide;
- (16) Specifying that a victim shall have the right to support and consultation with a crisis counselor if funding is available;
- (17) Inserting an appropriation to all four counties for all costs associated with testing sexual assault evidence collection kits;
- (18) Changing all appropriation amounts to unspecified amounts;



- (19) Changing its effective date to July 1, 2050, to facilitate further discussion; and
- (20) 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. 2131, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2131, H.D. 1, and be referred to your Committee on Finance.

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



SCOTT Y. NISHIMOTO, Chair



