

STAND. COM. REP. NO.

533

Honolulu, Hawaii

February 17, 2017

RE: H.B. No. 668

H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 668 entitled:

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

begs leave to report as follows:

The purpose of this measure is to have county police departments comply with the guidelines that were developed by the Attorney General's Malama Kakou Project for the testing of sexual assault evidence collection kits by:

- (1) Providing certain rights to survivors of sexual assault;
- (2) Establishing mandatory requirements for the testing of kits in accordance with the Malama Kakou Project guidelines;
- (3) Requiring annual reporting by the Attorney General to the Legislature of statistical data pertaining to sexual assault evidence collection kits; and
- (4) Requiring additional reports by the Attorney General on the progress of implementing the Malama Kakou Project guidelines.

Hawaii State Commission on the Status of Women, County of Kauai Office of the Prosecuting Attorney, Planned Parenthood Votes Northwest and Hawaii, Joyful Heart Foundation, Americans for

HB668 HD1 HSCR JUD HMS 2017-1932-1



Democratic Action, Hawaii Women's Coalition, Hawaii State Democratic Women's Caucus, Community Alliance on Prisons, Hawaii State Coalition Against Domestic Violence, and many individuals testified in support of the measure. The Department of the Attorney General, County of Hawaii Office of the Prosecuting Attorney, City and County of Honolulu Department of the Prosecuting Attorney, Honolulu Police Department, and The Sex Abuse Treatment Center provided comments.

Your Committee has amended this measure by:

- (1) Deleting the criteria that the perpetrator is a convicted felon with a DNA profile in the Federal Bureau of Investigation's Combined DNA Index System (CODIS) from the guidelines for not testing the sexual assault evidence collection kit;
- (2) Requiring the disclosure of the results of a sexual assault evidence collection kit to the sexual assault survivor upon request;
- (3) Providing the sexual assault survivor with the right to be informed in writing of the policies or law that govern the collection and preservation of a sexual assault evidence collection kit;
- (4) Changing the number of days within which a sexual assault evidence collection kit shall be submitted to an accredited testing laboratory to an unspecified number;
- (5) Specifying that the sexual assault survivor's rights established by this measure shall only be available to persons who have undergone an examination that produced a sexual assault evidence collection kit after the effective date of this bill;
- (6) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (7) 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. 668, as amended herein, and recommends that it pass Second Reading



in the form attached hereto as H.B. No. 668, H.D. 1, and be referred to your Committee on Finance.

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



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SCOTT Y. NISHIMOTO, Chair



