

STAND. COM. REP. NO.

585

Honolulu, Hawaii

February 15, 2019

RE: H.B. No. 508
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 508 entitled:

"A BILL FOR AN ACT RELATING TO DNA COLLECTION FOR CERTAIN FELONY OFFENSES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Mandate DNA collection from all persons arrested on suspicion of committing a felony sexual offense and permit collection from other arrestees;
- (2) Provide for the expungement of DNA records by request of the individual, in certain circumstances, when an individual is not convicted of the offense; and
- (3) Appropriate moneys for the costs of DNA collection, processing, storage, and expungement responsibilities.

The Department of the Attorney General, City and County of Honolulu Department of the Prosecuting Attorney, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and an individual supported this measure. The Office of the Public Defender and American Civil Liberties Union of Hawai'i

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opposed this measure. The Honolulu Police Department provided comments.

Your Committee has amended this measure by:

- (1) Clarifying that the collection of DNA shall only be from those accused of sexual offenses and not any arrestee;
- (2) Specifying the automatic destruction and expungement of a person's DNA samples, specimens, and records upon certain conditions;
- (3) Changing the effective date to January 28, 2081, to encourage further discussion; and
- (4) 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. 508, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 508, H.D. 1, and be referred to your Committee on Finance.

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



CHRIS LEE, Chair



