

ACT 79

H.B. NO. 2278

A Bill for an Act Making Emergency Appropriations for the Department of the Attorney General.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with section 9 of article VII of the Constitution of the State of Hawaii.

SECTION 2. The purposes of this Act are to make an appropriation out of the general revenues of the State of Hawaii to be deposited into the DNA registry special fund, to make an appropriation out of the DNA registry special fund to pay for costs associated with the implementation of Act 112, Session Laws of Hawaii 2005, and to make an appropriation out of the general revenues of the State of Hawaii to pay for costs associated with the implementation of Act 133, Session Laws of Hawaii 2005.

Act 112 requires that any person, except for any juvenile, who is convicted of, or pleads guilty or no contest to, any felony offense, even if the plea is deferred, or is found not guilty by reason of physical or mental disease, disorder, or defect of any felony offense shall provide buccal swab samples. The Act also provides for the analysis of the samples collected. Act 112 requires that testing begin immediately for all persons who have been convicted of murder in any degree or any felony offense defined in chapter 846E, Hawaii Revised Statutes, and for other persons thirty days after statewide publication of notice, which may be provided in stages, by the attorney general. Act 112 provides no funding for these purposes.

Act 133 provides that the department of the attorney general may administer programs for the prevention of sexual violence and the protection and treatment of victims of sexual violence. Act 133 provides no funding for this purpose.

These emergency appropriations are necessary to implement Act 112 and Act 133. Included in these emergency appropriations are:

- (1) The sum of \$186,620 for the purchase of buccal swab collection kits and for mailing costs;
- (2) The sum of \$289,492 for costs related to collecting buccal swab samples;
- (3) The sum of \$836,247 for costs related to analyzing the samples collected; and
- (4) The sum of \$1,076,217 for programs for the prevention of sexual violence and the protection and treatment of victims of sexual violence.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,312,359, or so much thereof as may be necessary for fiscal year 2005-2006, to be deposited into the DNA registry special fund.

The sum appropriated shall be expended by the department of the attorney general to carry out the purposes of this Act.

SECTION 4. There is appropriated out of the DNA registry special fund, established by section 706-603, Hawaii Revised Statutes, the sum of \$1,312,359, or so much thereof as may be necessary for fiscal year 2005-2006, to carry out the purposes of the special fund, including reimbursement to the county police departments and to the judiciary for costs incurred in carrying out the purposes of Act 112, Session Laws of Hawaii 2005.

The sum appropriated shall be expended by the department of the attorney general.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,076,217, or so much thereof as may be necessary for fiscal year 2005-2006, to carry out the purposes of Act 133, Session Laws of Hawaii 2005.

The sum appropriated shall be expended by the department of the attorney general.

SECTION 6. Any provision of this Act to the contrary notwithstanding, the appropriations authorized under this Act shall not lapse at the end of the fiscal year for which the appropriations are made. All unexpended and unencumbered balances of the appropriations made in this Act as of the close of business on June 30, 2007, shall lapse.

SECTION 7. This Act shall take effect upon its approval.

(Approved May 8, 2006.)