

GOV. MSG. NO. 1304

EXECUTIVE CHAMBERS

DAVID Y. IGE governor

July 5, 2016

The Honorable Ronald D. Kouchi, President and Members of the Senate Twenty-Eighth State Legislature State Capitol, Room 409 Honolulu, Hawai'i 96813 The Honorable Joseph M. Souki, Speaker and Members of the House of Representatives Twenty-Eighth State Legislature State Capitol, Room 431 Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 5, 2016, the following bill was signed into law:

HB1907 HD2 SD2 CD1

RELATING TO SEXUAL ASSAULT ACT 207 (16)

Sincerely,

and

DAVID Y. IGE Governor, State of Hawai'i

Approved by the Governor JUL 5 2016 ORIGINAL HOUSE OF REPRESENTATIVES TWENTY-EIGHTH LEGISLATURE, 2016 STATE OF HAWAII

A BILL FOR AN ACT

ACT 207 H.B. NO.

1907

H.D. 2 S.D. 2

C.D. 1

RELATING TO SEXUAL ASSAULT.

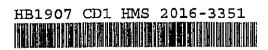
HB1907 CD1 HMS 2016-3351

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1	SECTION 1. Chapter 844D, Hawaii Revised Statutes, is
2	amended by adding a new section to be appropriately designated
3	and to read as follows:
4	" <u>§844D-</u> Sexual assault evidence; reporting. (a) By
5	September 1, 2016, all law enforcement agencies and departments
б	charged with the maintenance, storage, and preservation of
7	sexual assault evidence collection kits shall conduct an
8	inventory of all such kits being stored by the agency or
9	department.
10	(b) By September 1, 2016, each law enforcement agency and
10 11	(b) By September 1, 2016, each law enforcement agency and department subject to subsection (a) shall compile, in writing,
11	department subject to subsection (a) shall compile, in writing,
11 12 13	department subject to subsection (a) shall compile, in writing, a report containing the number of untested sexual assault
11 12 13 14	department subject to subsection (a) shall compile, in writing, a report containing the number of untested sexual assault evidence collection kits in the possession of the agency or
11 12 13 14	department subject to subsection (a) shall compile, in writing, a report containing the number of untested sexual assault evidence collection kits in the possession of the agency or department and the date the sexual assault evidence collection.
11 12 13 14 15	department subject to subsection (a) shall compile, in writing, a report containing the number of untested sexual assault evidence collection kits in the possession of the agency or department and the date the sexual assault evidence collection. kit was collected. The reports shall be transmitted to the

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1	the senate	and the speaker of the house of representatives
2	<u>containing</u>	the number of untested sexual assault evidence
3	collection	h kits currently being stored by each county, law
4	enforcemer	nt agency, or department and the date each untested kit
5	was origin	nally collected. The department of the attorney
6	general sl	nall involve community stakeholders in drafting the
7	report, in	ncluding representatives from each county. The report
8	shall also	provide the following information:
9	<u>(1)</u>	An explanation of the processes that were used in the
10	_`	past to decide which sexual assault evidence
11		collection kits were and were not tested;
12	(2)	Progress made to reduce the number of untested sexual
13		assault evidence collection kits to date;
14	<u>(3)</u>	A plan and expected timeframe for further reduction in
15		the number of untested sexual assault evidence
16		collection kits;
17	(4)	A plan for determining priority of untested sexual
18		assault evidence collection kits and new sexual
19		assault evidence collection kits for testing;
20	<u>(5)</u>	Processes that have been adopted or will be adopted to
21		better track and inventory tested and untested sexual

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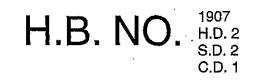
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1		assault evidence collection kits, including their
2		locations;
3	(6)	Expected outcomes from testing untested sexual assault
4		evidence collection kits and testing new sexual
5		assault evidence collection kits;
6	<u>(7)</u>	The criteria and process to determine which untested
7		sexual assault evidence collection kits will be tested
8		and the criteria and process for testing to be applied
9		to all new sexual assault evidence collection kits;
10	(8)	The sites and locations of the testing of the untested
11		sexual assault evidence collection kits and testing of
12		new sexual assault evidence collection kits;
13	<u>(9)</u>	Victim notification, support services, and other
14		resources that may become necessary in connection with
15		testing untested sexual assault evidence collection
16		kits and new sexual assault evidence collection kits;
17	(10)	The expected cost of all projected plans and processes
18		not yet in place for testing untested sexual assault
19		evidence collection kits and new sexual assault
20		evidence collection kits;



1	(11) An assessment of potential funding sources, including
2	federal grants for which applications have been, will
3	be, or may be submitted; and
4	(12) Potential areas for further legislative action or
5	policy changes.
6	(d) Beginning July 1, 2017, all law enforcement agencies
7	and departments shall submit new sexual assault evidence
8	collection kits for testing in accordance with the criteria and
9	policies established and reported by the department of the
10	attorney general pursuant to subsection (c).
11	(e) By July 1, 2018, all law enforcement agencies and
12	departments shall complete the testing of all untested sexual
13	assault evidence collection kits in accordance with criteria and
14	policies established and reported by the department of the
15	attorney general pursuant to subsection (c).
16	(f) As used in this section:
17	"Forensic medical examination" means an examination
18	provided to the victim of a suspected sexually-oriented criminal
19	offense by a health care provider for the purpose of gathering
20	and preserving evidence of a suspected sexual assault.

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1	"Sexual assault evidence collection kit" means a human
2	biological specimen or specimens collected by a health care
3	provider during a forensic medical examination from the victim
4	of a suspected sexually-oriented criminal offense.
5	"Untested sexual assault evidence collection kit" means a
6	sexual assault evidence collection kit that has not been
7	submitted to a qualified laboratory for either a serology or DNA
8	test."
9	SECTION 2. There is appropriated out of the general
10	revenues of the State of Hawaii the sum of \$500,000 or so much
11	thereof as may be necessary for fiscal year 2016-2017 to
12	initiate the testing of at least five hundred untested sexual
13	assault evidence collection kits by an accredited forensic
14	laboratory, in accordance with state and federal law and minimum
15	requirements for quality assurance, by December 31, 2016, and
16	for associated victim support services; provided that the
17	department of the attorney general, in consultation with key
18	stakeholders, shall make arrangements with one or more
19	accredited forensic laboratories to test the sexual assault
20	evidence collection kits to ensure that sexual assault evidence
21	collection kits are analyzed and the results are entered into

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the Federal Bureau of Investigation Combined DNA Index System in 1 2 accordance with applicable rules and procedures.

The sum appropriated shall be expended by the department of 3 the attorney general for the purposes of this Act. 4

5 SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2016. б

> APPROVED this ⁵ day of , 2016 JUL

GOVERNOR OF THE STATE OF HAWAII



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