STAND. COM. REP. NO. 2889

Honolulu, Hawaii

MAR 0 6 2026

RE: S.B. No. 3073
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3073 entitled:

"A BILL FOR AN ACT RELATING TO THE RETENTION OF BIOLOGICAL EVIDENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to specify the types of cases in which evidence must be retained post-conviction and the process by which evidence may be disposed of earlier than the standard period of retention, which includes a procedure for defendants to oppose the disposal of biological evidence by filing an objection with the court.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Honolulu Police Department, and Department of the Prosecuting Attorney of the County of Maui.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that existing law requires all evidence custodians to retain all evidence that may contain biological evidence post-conviction. Because of this broad evidence retention requirement, all evidence that may contain biological evidence must be retained, even if the actual presence of

biological evidence is extremely unlikely. Consequently, evidence custodians statewide are experiencing storage capacity and cannot store all of the evidence. This measure will establish reasonable guidelines and limitations for the post-conviction retention of biological evidence to ensure that limited space and resources are used to preserve post-conviction evidence that could reasonably be used for future DNA analysis to assist in accurately identifying perpetrators of serious crimes.

Your Committee has amended this measure by:

(1) Inserting a definition of "contested issue of identity";

(2) Inserting language authorizing a court to order the retention of biological evidence in any felony case for a certain period under certain circumstances upon the motion of a defendant or prosecutor or on the court's own motion;

(3) Amending section 1 to reflect its amended purpose;

(4) Inserting an effective date of March 22, 2075, to encourage further discussion; and

(5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 3073, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3073, S.D. 1, and be placed on the calendar for Third Reading.

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

KARL RHOADS, Chair

The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
SB 3073	JDC	2/24/26

☐ The Committee is reconsidering its previous decision on this measure.

If so, then the previous decision was to: _____

The Recommendation is:

☐ Pass, unamended 2312 ☑ Pass, with amendments 2311 ☐ Hold 2310 ☐ Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)				✓
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	4			1

Recommendation: ☑ Adopted ☐ Not Adopted

Chair's or Designee's Signature: [signature]

Distribution: Original — File with Committee Report; Yellow — Committee; Pink — Drafting Agency

*Only one measure per Record of Votes

Revised: 01/02/26