

Honolulu, Hawaii

APR 09 , 2026

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

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 3073, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) 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; and
- (2) Authorize the court, upon motion of a defendant or prosecutor or on the court's own motion, to order the retention of biological evidence in any felony case for a certain period under certain circumstances.

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



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

Your Committee finds that post-conviction evidence retention requirements are overly broad and have created significant storage and administrative burdens for law enforcement agencies and the courts. Your Committee further finds that establishing clearer standards for when biological evidence must be retained, while preserving judicial discretion and providing defendants with an opportunity to object to disposal, will better balance the interests of justice, efficiency, and due process.

Your Committee has amended this measure by:

- (1) Changing the term "contested issue of identity" to "contested issue in the case";
- (2) Amending the circumstances under which a court may order the retention of evidence in felony cases;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3073, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3073, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



State of Hawaii
House of Representatives
The Thirty-third Legislature

HB 1978-26

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB3073 SDI	Committee Referral: JHA	Date: 3/19/2026		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. BELATTI, Della Au				✓
4. COCHRAN, Elle	✓			
5. HASHEM, Mark J.	✓			
6. KAHALOA, Kirstin	✓			
7. SAYAMA, Jackson D.				✓
8. TAKAYAMA, Gregg	✓			
9. GARCIA, Diamond	✓			
10. SHIMIZU, Garner M.	✓			
TOTAL (10)	8	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				