

STAND. COM. REP. NO. 2889

Honolulu, Hawaii

MAR 06 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



