

A Bill for an Act Relating to Sexual Assault.

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

SECTION 1. Chapter 844D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§844D- Sexual assault evidence; reporting. (a) By September 1, 2016, all law enforcement agencies and departments charged with the maintenance, storage, and preservation of sexual assault evidence collection kits shall conduct an inventory of all such kits being stored by the agency or department.

(b) By September 1, 2016, each law enforcement agency and 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 department of the attorney general.

(c) By December 1, 2016, the department of the attorney general shall prepare and transmit a report to the president of the senate and the speaker of the house of representatives containing the number of untested sexual assault evidence collection kits currently being stored by each county, law enforcement agency, or department and the date each untested kit was originally collected. The department of the attorney general shall involve community stakeholders in drafting the report, including representatives from each county. The report shall also provide the following information:

- (1) An explanation of the processes that were used in the past to decide which sexual assault evidence collection kits were and were not tested;
- (2) Progress made to reduce the number of untested sexual assault evidence collection kits to date;
- (3) A plan and expected timeframe for further reduction in the number of untested sexual assault evidence collection kits;
- (4) A plan for determining priority of untested sexual assault evidence collection kits and new sexual assault evidence collection kits for testing;
- (5) Processes that have been adopted or will be adopted to better track and inventory tested and untested sexual assault evidence collection kits, including their locations;
- (6) Expected outcomes from testing untested sexual assault evidence collection kits and testing new sexual assault evidence collection kits;
- (7) The criteria and process to determine which untested sexual assault evidence collection kits will be tested and the criteria and process for testing to be applied to all new sexual assault evidence collection kits;

- (8) The sites and locations of the testing of the untested sexual assault evidence collection kits and testing of new sexual assault evidence collection kits;
 - (9) Victim notification, support services, and other resources that may become necessary in connection with testing untested sexual assault evidence collection kits and new sexual assault evidence collection kits;
 - (10) The expected cost of all projected plans and processes not yet in place for testing untested sexual assault evidence collection kits and new sexual assault evidence collection kits;
 - (11) An assessment of potential funding sources, including federal grants for which applications have been, will be, or may be submitted; and
 - (12) Potential areas for further legislative action or policy changes.
- (d) Beginning July 1, 2017, all law enforcement agencies and departments shall submit new sexual assault evidence collection kits for testing in accordance with the criteria and policies established and reported by the department of the attorney general pursuant to subsection (c).
- (e) By July 1, 2018, all law enforcement agencies and departments shall complete the testing of all untested sexual assault evidence collection kits in accordance with criteria and policies established and reported by the department of the attorney general pursuant to subsection (c).
- (f) As used in this section:
- “Forensic medical examination” means an examination provided to the victim of a suspected sexually-oriented criminal offense by a health care provider for the purpose of gathering and preserving evidence of a suspected sexual assault.
- “Sexual assault evidence collection kit” means a human biological specimen or specimens collected by a health care provider during a forensic medical examination from the victim of a suspected sexually-oriented criminal offense.
- “Untested sexual assault evidence collection kit” means a sexual assault evidence collection kit that has not been submitted to a qualified laboratory for either a serology or DNA test.”

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2016-2017 to initiate the testing of at least five hundred untested sexual assault evidence collection kits by an accredited forensic laboratory, in accordance with state and federal law and minimum requirements for quality assurance, by December 31, 2016, and for associated victim support services; provided that the department of the attorney general, in consultation with key stakeholders, shall make arrangements with one or more accredited forensic laboratories to test the sexual assault evidence collection kits to ensure that sexual assault evidence collection kits are analyzed and the results are entered into the Federal Bureau of Investigation Combined DNA Index System in accordance with applicable rules and procedures.

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

SECTION 3. New statutory material is underscored.¹

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

(Approved July 5, 2016.)

Note

1. Edited pursuant to HRS §23G-16.5.