

JAN 19 2007

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# A BILL FOR AN ACT

RELATING TO FORENSIC IDENTIFICATION.

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

1 SECTION 1. Section 844D-31, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) Any person, [~~except for~~] including any juvenile, who  
4 is convicted of, or pleads guilty or no contest to, any felony  
5 offense, even if the plea is deferred, or is found not guilty by  
6 reason of [~~insanity~~] physical or mental disease, disorder, or  
7 defect of any felony offense, and any juvenile who is  
8 adjudicated to have engaged in conduct that would constitute a  
9 felony if committed by an adult, or who has been found not  
10 responsible for such conduct by reason of physical or mental  
11 disease, disorder, or defect, shall provide buccal swab samples  
12 and print impressions of each hand, and, if required by the  
13 collecting agency's rules or internal regulations, blood  
14 specimens, required for law enforcement identification  
15 analysis."

16 SECTION 2. Section 844D-34, Hawaii Revised Statutes, is  
17 amended to read as follows:



1            "[+]§844D-34[+]    Collection from persons confined or in  
2 custody after conviction or adjudication.  A person, [except  
3 ~~for~~] including any juvenile, shall provide buccal swab samples  
4 and print impressions and, if required by the collecting  
5 agency's rules or internal regulations, blood specimens,  
6 immediately at intake, or during the prison or detention center  
7 reception [~~center~~] process, or as soon as administratively  
8 practicable at the appropriate custodial or receiving  
9 institution or program if:

10            (1)  The person is imprisoned or confined or placed in a  
11            state correctional facility, a county correctional  
12            facility, the department of public safety, a  
13            residential treatment program, or any state, county,  
14            private, or other facility after a conviction of any  
15            felony offense[+] or, in the case of juveniles, after  
16            adjudication for conduct that would constitute a  
17            felony if committed by an adult;

18            (2)  The person has a record of any past or present  
19            conviction of a qualifying offense described in  
20            section 844D-31 or has a record of any past or present  
21            conviction or adjudication in any other court,  
22            including any state, federal, or military court, of



1 any offense, that, if committed or attempted in this  
2 State[~~r~~] by an adult, would have been punishable as an  
3 offense described in section 844D-31; and

4 (3) The person's blood specimens or buccal swab samples,  
5 and print impressions authorized by this chapter are  
6 not in the possession of the department or have not  
7 been recorded as part of the state DNA database and  
8 data bank identification program."

9 SECTION 3. Section 844D-35, Hawaii Revised Statutes, is  
10 amended by amending the title and subsection (a) to read as  
11 follows:

12 "[+]§844D-35[+] **Collection from persons on probation,**  
13 **parole, or other release.** (a) A person, [~~except for~~] including  
14 any juvenile, shall provide buccal swab samples and print  
15 impressions and, if required pursuant to this chapter, blood  
16 specimens if:

17 (1) The person is on probation or parole for any felony  
18 offense, or is under supervision of the court for  
19 conduct that would constitute a felony if committed by  
20 an adult, whether or not that crime or offense is one  
21 set forth in section 844D-31(a);



1           (2) The person has a record of any past or present  
2           conviction of a qualifying offense described in  
3           section 844D-31 or has a record of any past or present  
4           conviction or adjudication in any other court,  
5           including any state, federal, or military court, of  
6           any offense that, if committed or attempted in this  
7           State[~~7~~] by an adult, would have been punishable as an  
8           offense described in section 844D-31; and

9           (3) The person's blood specimens or buccal swab samples,  
10          and print impressions authorized by this chapter are  
11          not in the possession of the department or have not  
12          been recorded as part of the state DNA database and  
13          data bank identification program."

14          SECTION 4. Section 844D-36, Hawaii Revised Statutes, is  
15          amended to read as follows:

16          "~~[f]~~**\$844D-36**~~[t]~~ **Collection from parole violators and**  
17          **others returned to custody.** A person, ~~[except for]~~ including  
18          any juvenile, shall provide buccal swab samples and print  
19          impressions and, if required by the collecting agency's rules or  
20          internal regulations, blood specimens or other biological  
21          samples, at a state correctional or other receiving institution,  
22          if:



1           (1) The person has been released on parole, furlough, or  
2           other release for any offense [~~or~~], crime, or conduct  
3           which, if committed by an adult, would constitute a  
4           crime, whether or not set forth in section 844D-31,  
5           and is returned to a state correctional or other  
6           institution for a violation of a condition of the  
7           person's parole, furlough, or other release, or for  
8           any other reason;

9           (2) The person has a record of any past or present  
10          conviction of a qualifying offense described in  
11          section 844D-31 or has a record of any past or present  
12          conviction or adjudication in any other court,  
13          including any state, federal, or military court, of  
14          any offense that, if committed or attempted in this  
15          State[~~r~~] by an adult, would have been punishable as an  
16          offense described in section 844D-31; and

17          (3) The person's blood specimens or buccal swab samples,  
18          and print impressions authorized by this chapter are  
19          not in the possession of the department's DNA  
20          laboratory or have not been recorded as part of the  
21          state DNA database and data bank identification  
22          program."



1 SECTION 5. Section 844D-39, Hawaii Revised Statutes, is  
2 amended by amending the title and subsection (a) to read as  
3 follows:

4 "[+]§844D-39[+] **Collection of specimen from sex offense**  
5 **registrants.** (a) If a person, [~~except for~~] including any  
6 juvenile, is convicted of, pleads guilty or no contest to, or is  
7 found not guilty by reason of [~~insanity~~] physical or mental  
8 disease, disorder, or defect of any of the offenses requiring  
9 registration pursuant to chapter 846E, or is a juvenile who has  
10 been adjudicated to have engaged in conduct that would  
11 constitute any of the offenses requiring registration pursuant  
12 to chapter 846E if committed by an adult, or who has been found  
13 not responsible for such conduct by reason of physical or mental  
14 disease, disorder, or defect, and has given a blood specimen or  
15 other biological sample or samples to law enforcement for any  
16 purpose, the department is authorized to analyze, or direct a  
17 designated entity to analyze, the blood specimen and other  
18 biological sample or samples for forensic identification  
19 markers, including DNA markers, and to include the DNA and  
20 forensic identification profiles from these specimens and  
21 samples in the state DNA database and data bank identification  
22 program."



1 SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval.

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INTRODUCED BY: Russell Kohler B/R



**Report Title:**

DNA Profiles; Juveniles

**Description:**

Amends law on forensic identification to require juveniles adjudicated for conduct that would constitute a felony if committed by an adult or for which sex offender registration would be required to submit DNA sample.

