



## *The Judiciary, State of Hawai‘i*

### **Testimony to the House Committee on Public Safety**

Representative Henry J. C. Aquino, Chair

Representative Kaniela Ing, Vice Chair

Thursday, February 6, 2014, 10:00 a.m.

State Capitol, Conference Room 309

By

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**Bill No. and Title:** House Bill No. 1717, Relating to the Retention of Biological Evidence.

**Purpose:** Establishes specific offenses for which evidence shall be retained. Allows law enforcement agencies to petition the court to dispose of biological evidence. Requires the court to use a preponderance of evidence standard in determining whether to allow the law enforcement agency to dispose of the biological evidence..

### **Judiciary's Position:**

The Judiciary supports the intent of House Bill No. 1717.

House Bill No. 1717 proposes to amend Section 844D-126, Hawaii Revised Statutes by establishing reasonable guidelines for post-conviction retention of biological evidence. The current statute is broad. This bill significantly reduces the number of applicable cases, thereby reducing the potential number of evidentiary items that would need to be maintained by each of the agencies, including the Judiciary; thus, making retention responsibilities more manageable.

However, we respectfully note that long-term storage issues remain as well the potential impact this measure may have on the Judiciary's workload and caseload should the defendant elect to preserve biological evidence pursuant to this bill.

Thank you for the opportunity to provide comments on this measure.