



The Judiciary, State of Hawaii

Testimony to the Senate Committee on Judiciary and Labor

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Friday, January 24, 2014, 10:00 a.m.
State Capitol, Conference Room 016

by
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Bill No. and Title: Senate Bill No. 2128, Relating to the Retention of Biological Evidence.

Purpose: To establish reasonable guidelines and limitations for the post conviction retention of biological evidence by law enforcement agencies and the courts; and thereby preserve a defendant's ability to test biological evidence, while making law enforcement agency retention responsibilities more reasonable and manageable.

Judiciary's Position:

The Judiciary supports the intent of Senate Bill No. 2128.

Senate Bill No. 2128 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.