



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

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DNA Bill Signed Into Law

HONOLULU – Acting Governor James Aiona has signed into law a bill (HB 1733) to require DNA testing of all felons.

The new law requires collection of DNA samples from any adult who is convicted of, or pleads guilty or no contest to, any felony offense, and it establishes procedures for testing DNA samples for the purpose of solving crimes. Under existing law, only convicted murderers and sex offenders were required to provide DNA samples.

The new law requires retention of evidence that can be used for DNA analysis, and extends the statute of limitations for felony cases where DNA evidence has been recovered. It also allows persons who have been convicted of crimes to request DNA analysis of evidence, and allows deletion of DNA profiles of persons whose underlying conviction has been reversed.

With new technology, DNA collection can now be done by buccal (mouth) swabs, a method as unintrusive as fingerprinting.

Attorney General Mark Bennett welcomed the enactment of this landmark legislation. “New scientific techniques have made DNA evidence an important tool in solving crimes. The new law expands DNA testing to help law enforcement

professionals bring criminals to justice,” Bennett said. “It also creates procedures by which DNA may help to exonerate people who have been wrongly convicted.”

Traditionally, DNA analysis has been used in cases where a suspect has already been identified, as additional evidence to link the suspect to the crime. But in recent years, many states have focused efforts on creating and improving DNA databanks. In those states, law enforcement can now use DNA technology not only to establish the guilt of a known suspect, but also to establish innocence and to solve crimes that would be difficult or impossible to solve by other means. For example, California’s DNA program has helped to clear a backlog of more than 13,000 unsolved cases, and propelled the number of “hits” from one per year to an average of one per day. (As with fingerprint “hits,” a DNA “hit” occurs when DNA evidence in an unsolved crime matches DNA evidence in another case, or matches a DNA sample of an offender in the databank.)

The United States Department of Justice encourages each state to develop a DNA database that can be linked to the Combined DNA Index System (CODIS). CODIS uses DNA for identification purposes in much the same way that the current Automated Fingerprint Identification System (AFIS) uses fingerprints. CODIS is needed because often criminals do not leave fingerprints but do leave DNA on trace evidence at the crime scene.

DNA legislation was included in the Lingle-Aiona Administration’s 2005 legislative package. HB 1733 passed unanimously in both the Senate and the House of Representatives.

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