

Lawfully Owed DNA Hawaii

Last Updated: March 2020

Arrest

Question	Answer
Does the law require a DNA sample to be collected from an individual when they are arrested for a crime?	No.
What crimes require collection of a DNA sample at arrest?	N/A
Does the law mandate when the DNA sample must be collected after arrest?	N/A
What agency collects the arrest DNA sample?	N/A
What agency manages the analysis and preservation in the DNA database?	N/A
Can the arrest DNA sample be expunged?	N/A
Statutes	N/A

Conviction

Question	Answer
Does the law require a DNA sample to be collected from the defendant when they are convicted of a crime?	Yes (not including juveniles)
What convictions require collection of a DNA sample?	Felonies
Does the law require DNA collection when a defendant is found not guilty by reason of insanity/mental defect/illness?	Yes

Does the law mandate when the DNA sample must be collected after conviction?	If incarcerated, testing is immediate; if on probation, parole or other release, within 20 working days' notice of need for testing; if person accepted into Hawaii from other jurisdictions and not confined, within 20 working days of reporting to supervising agent or within 5 calendar days of notice, whichever occurs first; if a sex offender or offender against minors, then at the time of registration or updating registration, the person will receive a collection appointment, but if prior to the time of the required registration update, the person is notified that the person is subject to collection, then the person shall undergo collection within 10 calendar days of the notification.
What agency collects the DNA sample after conviction?	Department of Corrections or Law Enforcement
What agency manages the analysis and preservation in the DNA database?	The police department of the city and county of Honolulu
Can the conviction DNA sample be expunged?	Upon written request with proof of service to: the trial court of the circuit that rendered the disposition, to the police department of the city and county of Honolulu, and to the prosecuting attorney of the county in which the person was convicted or adjudicated; if collection occurred while a suspect, if no longer a suspect after 2 years then the department shall remove the suspect sample from its data bank files.
Statutes	<p>HI ST § 844D-21. COLLECTION OF SPECIMENS, SAMPLES, AND PRINT IMPRESSIONS AT CORRECTIONAL FACILITY OR OTHER DETENTION FACILITY</p> <p>HI ST § 844D-31. OFFENDERS SUBJECT TO COLLECTION</p> <p>HI ST § 844D-35. COLLECTION FROM PERSONS ON PROBATION, PAROLE, OR OTHER RELEASE</p> <p>HI ST § 844D-37. COLLECTION FROM PERSONS ACCEPTED INTO HAWAII FROM OTHER JURISDICTIONS</p> <p>HI ST § 844D-53. ANALYSIS OF FORENSIC IDENTIFICATION PROFILES</p> <p>HRS § 844D-71. Expungement of DNA information from state DNA database and data bank identification program</p> <p>HI ST § 844D-72. DESTRUCTION OF SAMPLES AND EXPUNGEMENT OF SEARCHABLE DNA DATABASE PROFILE</p>