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West's Hawai'i Revised Statutes Annotated [Currentness](#)

Division 5. Crimes and Criminal Proceedings

Title 38. Procedural and Supplementary Provisions

▣ [Chapter 844D]. Forensic Identification

▣ [Part XI](#). Post-Conviction DNA Testing

→ **[§ 844D-126]. Retention of biological evidence**

(a) All evidence in the custody or control of a police department, prosecuting attorney, laboratory, or court that is related to the investigation or prosecution of a case in which there has been a judgment of conviction and that may contain biological evidence that could be used for DNA analysis shall be retained at least until the later occurring of either:

(1) The exhaustion of all appeals of the case to which the evidence is related; or

(2) The completion of any sentence, including any term of probation or parole, imposed on the defendant in the case to which the evidence relates.

(b) The attorney general shall establish procedures and protocols, which shall be uniform throughout the State, for the collection and preservation of evidence retained pursuant to this section.

CREDIT(S)

[Laws 2005, ch. 112, § 1.](#)

Current with amendments through the 2009 Third Special Session.

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