STAND. COM. REP. NO. X6X

Honolulu, Hawaii

, 2021 MAR 05

H.B. No. 250 RE: H.D. 2

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 250, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT,"

begs leave to report as follows:

The purpose of this measure is to include in the offenses of sexual assault in the second degree and sexual assault in the third degree the act of a law enforcement officer who knowingly subjects to sexual penetration or sexual contact a person stopped or accompanied by the law enforcement officer for official purposes.

Your Committee received testimony in opposition to this measure from the Maui Police Department.

Your Committee finds that this measure addresses an incident involving a Honolulu Police Officer's inappropriate conduct. Honolulu Police Officer stopped a teenage girl for a traffic infraction and subjected her to sexual contact. The police officer was indicted for sexual assault in the third degree. However, the indictment was dismissed because the stop for a traffic infraction did not amount to the girl being in custody, as required for that offense. This measure will address inappropriate behavior conducted by law enforcement officers by clarifying certain sexual assault offenses.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 3021, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 250, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 250, H.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary & Hawaiian Affairs,

2021-2027 HB250 HD2 HSCR HMS0



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 250 HD	Committee Referral:		Date: 2-23-21	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Aye	es Ayes (W)	R) Nays	Excused
1. NAKASHIMA, Mark M. (C)				
2. MATAYOSHI, Scot Z. (VC)	ν			
3. ICHIYAMA, Linda				
4 VODAVASIII Dolo T				
4. KOBAYASHI, Dale T.				
5. LoPRESTI, Matthew S.				
6. LOWEN, Nicole E.	<u> </u>			
7. McKELVEY, Angus L.K.				
8. NAKAMURA, Nadine K.				
9. TAKUMI, Roy M.	V			
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10. TODD, Chris	Park and the control of the control			
11 TOVIOVA James Various				
11. TOKIOKA, James Kunane				
12. WARD, Gene				
12. Winds, Gene	-			
TOTAL (12)	18	L Q	Ø	Ø
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				