

STAND. COM. REP. NO.

1069

Honolulu, Hawaii

FEB 28

, 2025

RE: H.B. No. 359  
H.D. 2

Honorable Nadine K. Nakamura  
Speaker, House of Representatives  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 359, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COVERED OFFENDER  
REGISTRATION,"

begs leave to report as follows:

The purpose of this measure is to amend covered offender registration laws to:

- (1) Include offenders who, while acting in a professional capacity, commit the offense of sexual assault in the fourth degree against a minor who is at least sixteen years old;
- (2) Provide that the exception to public access requirements for misdemeanors does not apply when the covered offense was committed against a minor;
- (3) Require a person who is required to report every year under the covered offender registration requirements to report during the thirty-day period following the offender's birthday, rather than from the offender's actual date of birth; and

2025-2005 HB359 HD2 HSCR HMSO



- (4) Specify how certain covered offenses are to be tiered for purposes of seeking termination of registration requirements.

Your Committee received testimony in support of this measure from the Honolulu Police Department; Department of the Prosecuting Attorney of the City and County of Honolulu; Sex Abuse Treatment Center; Hawai'i State Commission on the Status of Women; and two individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that loopholes in the sex offender registration laws allow some offenders to evade public disclosure. For example, individuals in trusted roles, such as teachers, coaches, and religious leaders, who sexually assault minors aged sixteen or seventeen are not required to publicly register as sex offenders. This measure closes those loopholes by expanding registration requirements for sex offenders, mandating public disclosure for offenses against minors, and refining reporting procedures.

Your Committee has amended this measure by:

- (1) Amending the definition of "sexual offense", and the related termination of registration requirements, to include the offenses of:
  - (A) Sexual assault in the fourth degree, where the offender exposes the offender's genitals to another person under circumstances in which the offender's conduct is likely to alarm the other person or put the other person in fear of bodily injury;
  - (B) Incest, except when the perpetrator is under the age of eighteen;
  - (C) Sexual assault of an animal; and
  - (D) Use a computer in the commission of a separate crime, wherein the separate crime is a covered offense subject to covered offender registration laws; 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. 359, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 359, H.D. 2.

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



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DAVID A. TARNAS, Chair



