



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 359, H.D. 2, RELATING TO COVERED OFFENDER REGISTRATION.

BEFORE THE:

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

DATE: Monday, March 17, 2025

TIME: 1:00 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Elyse C.N. Oyama, Deputy Attorney General

Chair San Buenaventura and Members of the Committee:

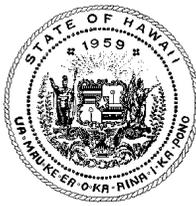
The Department of the Attorney General supports this bill and offers the following comments.

The purposes of this bill are: (1) to update the covered offender registration laws within chapter 846E, Hawaii Revised Statutes (HRS), by adding a number of sexual assault offenses, such as incest, sexual assault against a minor while the offender is acting in a professional capacity, and sexual assault of an animal; (2) to require public disclosure for covered offenses that are committed against minors, regardless of whether the conviction is for a first-time misdemeanor offense; (3) to require a covered offender to report every year during the thirty-day period following the offender's birthday, rather than on the date of birth; and (4) to specify how each updated covered offense would be tiered within the covered offender registration requirements.

The proposed amendments to chapter 846E, HRS, will improve Hawaii's covered offender registration laws, which keep track of sex offenders in our communities, especially those offenders who travel between jurisdictions. This bill also includes provisions to strengthen the laws regarding offenses that impact minor victims.

We respectfully ask the Committee to pass this bill. Thank you for the opportunity to testify on this matter.

JOSH B. GREEN, M.D.
GOVERNOR



MARI McCAIG BELLINGER
Chair

CLIFTON Y.S. CHOY
Commissioner

JO KAMAE BYRNE
Commissioner

PAMELA FERGUSON-BREY
Executive Director

STATE OF HAWAII – KA MOKU'ĀINA 'O HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

Ke Komikina Uku Luaahi Kalaima

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TESTIMONY ON HOUSE BILL 359, HD2
RELATING TO COVERED OFFENDER REGISTRATION

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

Senate Committee on Health and Human Services
Senator Joy A. San Buenaventura, Chair
Senator Henry J.C. Aquino, Vice Chair

Monday, March 17, 2025; 1:00 PM
State Capitol, Conference Room 225 & Videoconference

Aloha Chair San Buenaventura, Vice Chair Aquino, and Members of the Senate Committee on Health and Human Services. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify before you today in strong support of House Bill 359, HD2. The purpose of the bill is to close the gap in the current registration laws for certain offenses committed against minors. Currently, public disclosure is not required for offenders who, while acting in their professional capacity, commit the offense of sexual assault in the fourth degree against a minor who is at least 16 years old.

The Commission provides compensation for victims of violent crime to pay un-reimbursed expenses for crime-related losses due to physical or mental injury or death. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission. A significant number of the Commission's applications are for victims of sexual assault.

The legislature created Hawai'i's sex offender registry to protect the community by providing relevant information about the presence of convicted sex offenders. Currently, offenders who commit the offense of sexual assault in the fourth degree against a minor while acting in a position of trust and power, are not required to publicly disclose registration information. This loophole allows these offenders to evade public detection thus allowing them to continue to prey on children in our community.

The Commission strongly urges the legislature to close this loophole to protect the children of Hawai'i. Thank you for providing the Commission with the opportunity to testify in strong support on House Bill 359, HD2.

JON N. IKENAGA
STATE PUBLIC DEFENDER

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March 14, 2025

Committee on Health and Human Services
Rep. Joy A. San Buenaventura, Chair
Rep. Henry J. C. Aquino, Vice Chair
415 South Beretania Street, Conf. Rm. 225
State Capital
Honolulu, HI 96813

Re: Testimony in Opposition to H.B. 359
Hearing: March 17, 2025, 1:00 PM

Dear Chair Buenaventura, Vice Chair Aquino and Committee Members:

The Office of the Public Defender opposes H.B. 359 which would require registration and public disclosure on the sex offender registry for an offender who commits sexual assault in the fourth degree while acting in a professional capacity against a minor who is at least sixteen years old.

Notwithstanding the nonscientific nature and unproven efficacy of the sex offender registry, H.B. 359 is not necessary for HRS § 707-733(d), based on the severity of the offense and the potentially young age of the offender.

The offense that the bill addresses is a less severe misdemeanor offense based on the conduct, sexual contact, and the age of the minor, at least sixteen years old, and that the offender is not less than five years older than the minor. This means that the offender could be as young as twenty-one and forced to register, have their information disclosed and be branded with a life-long stigma. Notably, the overwhelming number of offenders are males and studies have established that the male brain does not finish developing until age 30 years. When youths, including young adults, are placed on the sex offender registry, not only are they subjected to the same difficulties as the much more serious adult offenders, which includes difficulty in finding housing and employment, subjected to harassment and social isolation, but the youth will also have additional negative impact on their social, mental and emotional development and rehabilitation. Requiring registration and public

disclosure for all offenders of this misdemeanor offense constitutes excessive punishment where the untested and purported benefit of protecting the public would be outweighed by the negative impacts.

Thank you for taking these comments into consideration.

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March 14, 2025

Position: Support of HB359 HD2

To: Senator Joy A. San Buenaventura, Chair
Senator Henry J.C. Aquino, Vice Chair
Members of the Senate Committee on Health and Human Services

From: Llasmin Chaine, LSW, Executive Director, Hawai'i State Commission on the Status of Women

Re: Testimony in Support of HB359 HD2, Relating to the Covered Offender Registry

Hearing: Monday, March 17, 2025, 1:00 p.m.
Conference Room 225, State Capitol

On behalf of the Hawai'i State Commission on the Status of Women, I would like to thank the committee for hearing this important bill. I would like to express my **strong support for HB359 HD2**, which closes the public disclosure loophole on the state's offender registry for those who commit the offense of sexual assault in the fourth degree against a minor who is at least sixteen, while they are acting in a professional capacity.

Youth-serving organizations, whether they are schools, sports teams, or after-school programs, **need better mechanisms to detect and identify sex offenders**. They need to know whether their employees and volunteers can be trusted to conduct themselves appropriately with the youth in their care¹. **We need this change to ensure these offenders** with a history of sexually inappropriate behavior **aren't put into another position of power, enabled to abuse again**², given the **detrimental effects of sexual violence on well-being**³.

I respectfully urge this Committee to **pass HB359 HD2**, to keep our children safe and to support protective environments⁴ in which they can thrive⁵.

Thank you for this opportunity to submit testimony in **strong support of HB359 HD2**.

¹ Child Sexual Abuse By K-12 School Personnel in Canada – Executive Summary. Canadian Centre for Child Protection. https://content.c3p.ca/pdfs/C3P_CSAINSchoolsReport_en.pdf

² What Parents Need to Know – Grooming in Sport. U.S. Center for SafeSport. https://uscenterforsafesport.org/wp-content/uploads/2021/06/2021_HPCourse_Grooming_v7.pdf

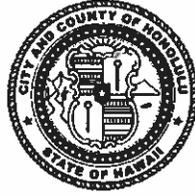
³ About Sexual Violence. CDC – Sexual Violence Prevention. <https://www.cdc.gov/sexual-violence/about/index.html>

⁴ Preventing Child Abuse and Neglect. CDC – Child Abuse and Neglect Prevention. <https://www.cdc.gov/child-abuse-neglect/prevention/index.html>

⁵ Preventing Adverse Childhood Experiences. CDC – Adverse Childhood Experiences (ACEs). <https://www.cdc.gov/aces/prevention/index.html>

HONOLULU POLICE DEPARTMENT
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DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE **CL-DNK**

March 17, 2025

The Honorable Joy A. San Buenaventura, Chair
and Members
Committee on Health and Human Services
State Senate
415 South Beretania Street, Room 225
Honolulu, Hawai'i 96813

Dear Chair San Buenaventura and Members:

SUBJECT: House Bill No. 359, H.D. 2, Relating to Covered Offender Registration

I am Carlene Lau, Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 359, H.D. 2, Relating to Covered Offender Registration.

This bill will allow the public to better detect and identify sex offenders, especially those in positions of trust, power, or authority over minors, by preventing sex offenders from holding these positions. It will reduce their access to minors and assist the State in reducing sexual recidivism.

The HPD urges you to support House Bill No. 359, H.D. 2, Relating to Covered Offender Registration, and thanks you for the opportunity to testify.

APPROVED:


Arthur J. Logan
Chief of Police

Sincerely,


Carlene Lau, Major
Records and Identification Division



Date: March 15, 2025

To: Senator Joy San Buenaventura, Chair
Henry Aquino, Vice Chair
Members of the Senate Committee on Health and Human Services

From: Lynn Costales Matsuoka, Executive Director
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony on HB 359, HD 2
Relating to Covered Offender Registration

Hearing: March 17, 2025, Conference Room 225; 1:00 pm

Good Afternoon Chair San Buenaventura, Vice Chair Aquino, and Members of the Senate Committee on Health and Human Services

The Sex Abuse Treatment Center (SATC) submits testimony in support of HB 359, HD 2.

This bill seeks to provide wider protection of minors, by requiring public access to sex offender registration information of individuals convicted of a single misdemeanor sexual offense, when committed against a minor. The bill does not apply nor does seek any changes as it relates to misdemeanor sex assault convictions committed against adults.

HB 359 goes further to seek inclusion of misdemeanor Sexual Assault in the Fourth Degree, specifically HRS 707-733(1)(d) under the definition of "sexual offense" under HRS 844G-1. The inclusion of 707-733(1)(d) as a covered sexual offense is particularly important, insofar as a person having sexual contact with a minor, at least 16 years old, while acting in their **professional capacity**, should be subject to sex offender registration, and public disclosure.

Without this bill, those acting in their professional capacity, ie. coach, teacher, youth leaders, religious authorities, could essentially evade registration and public detection, despite sexually assaulting a minor, who is at least 16 years old. Minors are deserving of broader protection especially from those who would abuse their position of trust and authority. There have been too many instances, where older minors, have been subjected to sexual contact by someone in a position of trust, often associated with an educational institution, religious organization or athletics. These individuals who would take advantage of their position of authority should not escape public detection, allowing them to continue their predatory behavior. Similarly, minors should not have to endure multiple acts of abuse, before their victimization rises to a level of public disclosure. A single act of sexual abuse committed against a minor should require registration, regardless of the age of the minor. In the end they are still children, in the end, they are often targeted because of their age.

Additionally, we support the inclusion of HRS 707-733(1)(d) as a Tier 1 offense under HRS 846E-10(d). Currently, it is not referenced in any Tier level under Chapter 846E, and it is unclear what the default would be. To avoid any ambiguity, we ask for its inclusion as a Tier 1 offense.

We respectfully ask this committee to renew its commitment to the children of our community and pass this legislation noted herein.

Thank you for your consideration.