Honolulu, Hawaii

APRIL 19

, 2006

RE:

S.B. No. 2246

S.D. 1 H.D. 2 C.D. 1

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2246, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is:

(1) To propose an amendment to article I of the State Constitution to provide that the Legislature may define what behavior constitutes a continuing course of conduct in a sexual assault crime against minors younger than fourteen years of age; and

(2) To provide that the Legislature may define what constitutes the unanimity that is required for a conviction in sexual assault crimes.

Under current law, it is difficult to prosecute those who repeatedly sexually assault a child, because of the difficulty young children have in remembering the individual dates on which they were sexually assaulted. This proposed amendment to the State Constitution would allow the Legislature to enact a law that would permit juries to convict a person of the continuous sexual assault of a minor younger than fourteen years of age, if each member of a jury was convinced beyond a reasonable doubt that the defendant had sexually assaulted the child the required number of times, even if there was no unanimity as to the individual assaults.

Your Committee on Conference has amended this measure by making it effective upon compliance with article XVII, section 3, of Constitution of the State of Hawaii.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2246, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2246, S.D. 1, H.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

AKE K. OSHIRO, Co-Chair

RYAM I. YAMAME, Co-Chair

COLLEEN HANABUSA, Chair

Hawaii State Legislature

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: SB 2246, SD 1, HD 2					Date/Time: 4/10/06 2 pm					
The recommen	dation of the House	and S	Senate	mana	gers	is to pass with amendments (CD).				
	e is reconsidering its									•
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure						The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers		A	WR	N	Е	House Managers	A	WR	N	Е
HANABUSA, Collec	en, Chr.	V	,			OSHIRO, Blake K., Co-Chr.	V			
CHUN OAKLAND, Suzanne						YAMANE, Ryan I., Co-Chr.	V	/		
HOGUE, Bob					V	Tude, Cynthia	V			
TOTAL		d			1	TOTAL	3			
A =	= Aye WR	x = Ay	e with l	Reserv	ation	N = Nay E	= Exc	used		
Senate Recommend	lation is:	•				House Recommendation is:				
Adopted					Adopted Not Adopted					
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:					
Distribution:	Original le with Conference Committee Report Hou					Yellow Pink Goldenrod ouse Clerk's Office Senate Clerk's Office Drafting Agency				