STAND. COM. REP. NO. 2550

Honolulu, Hawaii

MAR 2 - 2006

RE: S.B. No. 2265 S.D. 1

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

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 2265 entitled:

"A BILL FOR AN ACT RELATING TO CRIMES AGAINST MINORS,"

begs leave to report as follows:

The purpose of this measure is to add electronic enticement of a minor to the group of class C felonies in the Hawaii Penal Code.

In addition, this measure:

- (1) Mandates at least one year of incarceration for defendants convicted of promoting child abuse or convicted of electronic enticement of a minor;
- (2) Eliminates the possibility of a deferred plea for those who enter a plea of not guilty or nolo contendre to the crime of promoting child abuse or electronic enticement of a minor; and
- (3) Adds a new misdemeanor to the Hawaii Penal Code for electronic enticement of a child in the third degree.

Testimony in support of this measure was submitted by the Attorney General, the Department of Human Services, the Honolulu Police Department, the Hawaii Family Forum, the Hawaii Hotel and Visitor Industry Security Association, the Sex Abuse Treatment

Center, and one individual. The Office of the Public Defender submitted testimony in opposition to this measure.

Your Committee finds that in order to reflect the nature of their crimes, those defendants who prey on children, by disseminating, reproducing, or possessing child pornography, and by using computers to entice and victimize children should always be sentenced to serve at least one year of incarceration and should not be entitled to a deferred acceptance of their plea. This measure will provide a means to ensure the safety of Hawaii's children, enhance enforcement efforts, and impose significant penalties for those who prey on the most vulnerable members of our community.

Your Committee has amended this measure to make nonsubstantive, technical changes.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2265, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2265, S.D. 1, and be placed on the calendar for Third Reading.

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

COLLEEN HANABUSA, Chair

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Judiciary and Hawaiian Affairs (Bills and Resolutions)

Measure:* SB 2265	Committee Re	ferral:	Date: 2/17/06		
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:					
The Recommendation is to:					
Pass, unamended Pass, with amendments (2312) (2311)			Hold Recommit (2310) (2313)		
Members		Ayes	Ayes(WR)	Nays	Excused
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TOTAL		4	O	D	0
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report erk's Office Drafting Agency Committee File Copy					

^{*}Do <u>not</u> list more than one measure per Record of Votes.