Honolulu, Hawaii

March 31, 2008

RE: S.B. No. 2363

S.D. 2 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2363, S.D. 2, entitled:

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

begs leave to report as follows:

The purpose of this bill is to provide additional protection to mentally disabled persons who lack the capacity to consent to sexual acts by establishing strict liability for the offense of sexual assault against persons who are mentally defective.

The Disability and Communications Access Board, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Hawaii Disability Rights Center, Hawaii Centers for Independent Living, Sex Abuse Treatment Center, and several concerned individuals supported this bill. The Office of the Public Defender, and The Arc in Hawaii submitted comments.

Your Committee has amended this measure by changing its effective date to January 1, 2112, to encourage further discussion. Technical, nonsubstantive amendments were also made for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2363, S.D. 2, as amended herein, and recommends that it pass

SB2363 HD1 HSCR JUD HMS 2008-3134



Second Reading in the form attached hereto as S.B. No. 2363, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

TOMMY WATERS, Chair



State of Hawaii House of Representatives The Twenty-fourth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:		Date:	
SB2363,SD2(SSCR2734)	JUD		3-13-08	
☐ 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) 				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)			(A)	
2. OSHIRO, Blake K. (VC)				
3. EVANS, Cindy				
4. GREEN, Josh, M.D.	/			
5. ITO, Ken				
6. LUKE, Sylvia				1
7. McKELVEY, Angus L.K.				And the second s
8. MORITA, Hermina M.				
9. SONSON, Alex M.				1
10. SOUKI, Joseph M.				
11. TSUJI, Clift				
12. YAMANE, Ryan I.				
13. YAMASHITA, Kyle T.				
14. MARUMOTO, Barbara C.				
15. PINE, Kymberly Marcos				V
16. THIELEN, Cynthia				/

TOTAL (16)	13			3
The recommendation is: Adopted Not Adopted				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				