STAND. COM. REP. NO. 1047

Honolulu, Hawaii

March 22 , 2011

RE: S.B. No. 52

S.D. 1 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 52, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REGISTRATION OF SEX OFFENDERS,"

begs leave to report as follows:

The purpose of this bill is to:

- (1) Require persons convicted of a violation of privacy in the first degree to register as sex offenders;
- (2) Allow offenders registered as a result of a conviction for a violation of privacy in the first degree who have substantially complied with registration requirements for ten years, and are not repeat offenders to petition the court for termination of registration requirements; and
- (3) Apply this measure retroactively to any person who is or was:
  - (A) Convicted at any time of a violation of privacy in the first degree; or
  - (B) Charged at any time of a violation of privacy in the first degree, but:

SB52 HD1 HSCR JUD HMS 2011-3176

- (i) Is or was found unfit to proceed against the charges, and is currently released into the community; or
- (ii) Is or was acquitted due to physical or mental disease, disorder, or defect and is or was released into the community.

The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and a concerned individual testified in support of this measure. A concerned individual supported this bill with amendments.

Your Committee has amended this measure by including section 712-1202(a), Hawaii Revised Statutes, which relates to the promotion of prostitution in the first degree by knowingly advancing prostitution by compelling a person by force, threat, or intimidation to engage in prostitution, or by profiting from such coercive conduct by another, in those sex offenses for which persons convicted must register as sex offenders.

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. 52, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 52, S.D. 1, H.D. 1, and be referred to the Committee on Finance.

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

GILBERT KEITH-AGARAN, Chair

## State of Hawaii House of Representatives The Twenty-sixth Legislature

## HSCR 1047

## Record of Votes of the Committee on Judiciary

The recommendation is to:  Pass, unamende	on on the measure.		<u>`</u>		
,	☐ 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. KEITH-AGARAN, Gilbert S.C. (C)					
2. RHOADS, Karl (VC)	<b>✓</b>				
3. BROWER, Tom	/				
4. CABANILLA, Rida T.R.				/	
5. CARROLL, Mele				V	
6. HERKES, Robert N.					
7. ITO, Ken					
8. LUKE, Sylvia					
9. McKELVEY, Angus L.K.					
10. MORITA, Hermina M.			**************************************		
11. OSHIRO, Blake K.	~				
12. SOUKI, Joseph M.	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \				
13. TSUJI, Clift	V				
14. FONTAINE, George R.	/		·		
15. MARUMOTO, Barbara C.	V				
16. THIELEN, Cynthia					
	<u> </u>			_	
		<u> </u>	<del></del>		
	-				
	-	-			
			_	_	
	1_	<del>                                     </del>			
	12	0	0	3	
TOTAL (16)	The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
The recommendation is: Adopted		did not suppor	t recommendation	1.	
The recommendation is: Adopted		did not suppor	t recommendation	1.	