1622 STAND. COM. REP. NO.

Honolulu, Hawaii April 5, 2013 RE: S.B. No. 1016 S.D. 1 H.D. 2

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1016, S.D. 1, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to update the covered offender registration law to clarify provisions, address issues that have arisen in implementation, and continue efforts to comply with the federal Sex Offender Registration and Notification Act. Among other things, this measure:

- Amends definitions included in the covered offender registration law for purposes of conforming to federal law, maintaining internal consistency, and deleting obsolete terms;
- (2) Clarifies that covered offenders, whether or not residents of Hawaii, who remain in Hawaii for more than ten days or for an aggregate period exceeding thirty days in one calendar year, are required to register with the Attorney General and provide current permanent and temporary address information;



STAND. COM. REP. NO. 1072-Page 2

- (3) Clarifies that the court shall advise a covered offender of the registration requirements and start the registration process after sentencing and the entry of a judgment;
- (4) Provides for quarterly updates to registry information by mail for covered offenders with a permanent mailing address and in-person for those without a permanent mailing address;
- (5) Expands the conditions under which a person commits the offense of failure to comply with registration requirements;
- (6) Provides procedures for circumstances where the defendant intends to rely upon the defense that the defendant was in custody or civilly committed; and
- (7) Amends the classification of offenses for purposes of duration of registration requirements to account for offenses prosecuted in tribal or foreign jurisdictions and that are not otherwise classified in statute.

The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, and The Sex Abuse Treatment Center supported this measure.

Your Committee has amended this measure by:

- (1) Amending the definition of "foreign conviction" for convictions in countries other than Canada, United Kingdom, Australia, and New Zealand, by requiring that the United States Department of State Country Reports on Human Rights Practices also conclude that the independent judiciary of that country enforces the right to a fair trial to the same or higher standard as Canada, United Kingdom, Australia, and New Zealand;
- (2) Making it effective upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



STAND. COM. REP. NO. 1622

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. 1016, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1016, S.D. 1, H.D. 2.

SB1016 HD2 JUD HSCR HMS 2013-3317

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

Hal Nha

KARL RHOADS, Chair

State of Hawaii House of Representatives The Twenty-seventh Legislature

HSCR 1622

Record of Votes of the Committee on Judiciary

	tee Referral:	Date:		
SB1016, SD1, HD1 PBS, JUD 4513				
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Deass, unamended (as is)				
Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	Ϋ́,			
2. HAR, Sharon E. (VC)	L γ			
3. BELATTI, Della Au	X			
4. BROWER, Tom				X
5. CABANILLA, Rida T.R.				X
6. CARROLL, Mele				X
7. ITO, Ken	<u>X</u>			
8. KAWAKAMI, Derek S.K.				<u>×</u>
9. LEE, Chris	<u>X</u>			
10. TSUJI, Clift	×			
11. WOOLEY, Jessica	<u> </u>		<u>.</u>	the file
12. MCDERMOTT, Bob				
13. THIELEN, Cynthia	Х			
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TOTAL (13)	8			5
The recommendation is: 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 Duplicate (Pink) – HMSO				