

STAND. COM. REP. NO. 296-16

Honolulu, Hawaii

February 17, 2016

RE: H.B. No. 2099  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Public Safety, to which was referred H.B. No. 2099 entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,"

begs leave to report as follows:

The purpose of this measure is to define "person in custody" as used in the offense of sexual assault in the second degree and third degree to explicitly prohibit a law enforcement officer from knowingly subjecting to sexual contact a person who is stopped by or under the control of a law enforcement officer for official purposes, including a traffic stop.

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

Your Committee has amended this measure by changing its effective date to January 1, 2050, to promote further discussion.

Should the Committee on Judiciary further deliberate on this measure, your Committee respectfully requests that it consider examining the language in the proposed definition of "person in custody". For example, according to the Department of the Prosecuting Attorney of the City and County of Honolulu, the phrase "under the control of" may be considered overly broad.

HB2099 HD1 HSCR PBS HMS 2016-1892



As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2099, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2099, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,



GREG TAKAYAMA, Chair



