STAND. COM. REP. NO. 20

209D

Honolulu, Hawaii

FEB 1 1 2016 RE: S.B. No. 2193 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 2193 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to define "person in custody" as used in the offenses of sexual assault in the second degree and third degree to explicitly prohibit certain persons from knowingly subjecting a person who is stopped by or under the control of a law enforcement officer to sexual penetration or sexual contact, respectively.

Your Committee received testimony in support of this measure from the Department of Public Safety, Department of the Prosecuting Attorney for the City and County of Honolulu, Sex Abuse Treatment Center, and one individual. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney for the County of Maui.

Your Committee finds that a recent, well-publicized case in which a law enforcement officer initiated inappropriate sexual contact on a motorist during a traffic stop highlights the need for clarity in the definition of the term "person in custody". The proposed new definition would broaden the definition of the term and clarify the range of its potential interpretations.



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Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2193, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2193, S.D. 1, and be referred to your Committee on Judiciary and Labor.

> Respectfully submitted on behalf of the members of the Committee on Public Safety, Intergovernmental, and Military Affairs,

Clarena a michik

CLARENCE K. NISHIHARA, Chair



The Senate Twenty-Eighth Legislature State of Hawai'i

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Record of Votes Committee on Public Safety, Intergovernmental and Military Affairs PSM

Bill / Resolution No.:*	Committee	Referral:	Da		
SB2193	PSM, J	IDL		2/4	116
The Committee is reconsidering its previous decision on this measure.					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)		/			
ESPERO, Will (VC)		/			
BAKER, Rosalyn H.					/
INOUYE, Lorraine R.		/			
SLOM, Sam					
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TOTAL					/
Recommendation:					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes