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**TESTIMONY SUPPORTING THE INTENT OF  
SB 2522 – RELATING TO SEXUAL ASSAULT**

Justin F. Kollar, Prosecuting Attorney  
County of Kaua'i

Senate Committee on Judiciary & Labor  
February 23, 2016, 9:00 a.m., Conference Room 016

Chair Keith-Agaran, Vice-Chair Shimabukuro, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, offers the following testimony in support, with amendments, of SB 2964 – Relating to the Administration of Justice.

The purpose of this bill is to protect minors ages sixteen (16) and seventeen (17) years of age from individuals who hold a position of trust, power, authority, or supervision over the said minor.

Our Office agrees that persons of authority over minors should not be permitted to abuse their position by engaging in sexual contact with those minors, regardless of whether the minor wishes to grant their consent to the sexual contact. However, there are concerns regarding the implementation of this bill. First, SB 2522 does not appear to provide a definition or any guidelines regarding what a "position of trust, power, authority, or supervision" entails. It is not clear whether a position of trust includes but is not limited to school teachers, coaches, priests, police officers, etc. Each group that is included in this definition could also potentially create additional questions or concerns. Second, SB 2522 appears to apply specifically to Sexual Assault in the Fourth Degree under §707-733 of the Hawaii Revised Statutes. There may be questions or concerns on whether this subsection protecting sixteen (16) and seventeen (17) year olds should also apply to §707-730, §707-731, §707-732 or other similar statutes.

For the foregoing reasons, the Office of the Prosecuting Attorney of the County of Kaua'i supports the intent of SB 2522, but presents the forgoing questions to promote further discussions. Thank you for this opportunity to testify on this matter.