STAND. COM. REP. NO.

Honolulu, Hawaii

JUL 0 2 2020

RE: H.B. No. 1942

> H.D. 2 S.D. 2

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1942, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHILD ABUSE REPORTING,"

begs leave to report as follows:

The purpose and intent of this measure is to add members of the clergy, commercial computer technicians, and commercial film and photographic print or image processors, to the categories of persons who are required to report under Hawaii's child abuse and neglect mandated reporting law.

Your Committee received testimony in support of this measure from the Department of Human Services, Parents and Children Together, Hawaii Youth Services Network, and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Family Advocacy Team. Your Committee received comments on this measure from one individual.

Your Committee finds that individuals working in fields such as medicine, law enforcement, and social services are mandated to report instances of child abuse or neglect; however, Hawaii is only one of four states and three United States territories that does not include members of the clergy as mandatory reporters. Your Committee further finds that as sexual exploitation of children continues to occur online and to protect more children

from exploitation and abuse, computer technicians should be required to report to law enforcement any computer files containing child pornography. This measure updates Hawaii's mandatory child abuse and neglect reporting law by adding members of the clergy, commercial computer technicians, and commercial film and photographic print or image processors to the categories of persons who are required to report under Hawaii's child abuse and neglect mandated reporting law.

Your Committee has amended this measure by:

- (1) Inserting language to specify that a member of the clergy is not be required to report information gained solely during a penitential communication; but, when a clergy member receives reportable information from any other source, the clergy member shall comply with the reporting requirements, regardless of whether or not the clergy member received the same information during a penitential communication;
- (2) Inserting a definition of "penitential communication";
- (3) Extending the safe harbor provision from January 1, 2021, to March 1, 2021, to provide approximately six months for reporting of previously known but undisclosed information; and
- (4) Making it effective upon its approval.

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 H.B. No. 1942, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1942, H.D. 2, S.D. 2.

STAND. COM. REP. NO. 3111

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

Kal Manh

KARL RHOADS, Chair

The Senate Thirtieth Legislature State of Hawai'i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee	Referral:		ate:	· ·
HB1942 HD2 SD1	HMS	, JDC		06/30/	2020
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)		1			
KEOHOKALOLE, Jarrett (VC)		/			
GABBARD, Mike					
KIM, Donna Mercado					
FEVELLA, Kurt					
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TOTAL		<u> </u>			
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Citali d di Designee d dignature.					
Distribution: Original Yellow Pink Goldenrod					
File with Committee Report Clerk's Office Drafting Agency Committee File				e File Copy	

^{*}Only one measure per Record of Votes