

STAND. COM. REP. NO.

868

Honolulu, Hawaii

MAR 05 , 2021

RE: H.B. No. 250
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 250, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT,"

begs leave to report as follows:

The purpose of this measure is to include in the offenses of sexual assault in the second degree and sexual assault in the third degree the act of a law enforcement officer who knowingly subjects to sexual penetration or sexual contact a person stopped or accompanied by the law enforcement officer for official purposes.

Your Committee received testimony in opposition to this measure from the Maui Police Department.

Your Committee finds that this measure addresses an incident involving a Honolulu Police Officer's inappropriate conduct. A Honolulu Police Officer stopped a teenage girl for a traffic infraction and subjected her to sexual contact. The police officer was indicted for sexual assault in the third degree. However, the indictment was dismissed because the stop for a traffic infraction did not amount to the girl being in custody, as required for that offense. This measure will address inappropriate behavior conducted by law enforcement officers by clarifying certain sexual assault offenses.

2021-2027 HB250 HD2 HSCR HMSO



Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 3021, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 250, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 250, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,


MARK M. NAKASHIMA, Chair



