

Honolulu, Hawaii

APR 22 2021

RE: S.B. No. 1042
S.D. 1
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

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

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1042, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COVERED OFFENDER REGISTRATION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Repeal the provision that allows persons designated as sex offenders in another state or jurisdiction to petition the Attorney General for termination of registration requirements upon demonstrating that the out-of-state convictions are not covered offenses in the State of Hawaii;
- (2) Require certain long term visitors to Hawaii with out-of-state sex offender convictions to register; and



- (3) Clarify how persons required to register as sex offenders can petition to terminate registration.

Your Committee on Conference finds that existing sex offender registration laws allow out-of-state persons who intend to reside or maintain a residence in Hawaii, visit Hawaii for ten or more days, or visit Hawaii for thirty or more days a year, and who have been or are required to be registered in another state as a sex offender, to avoid registration by establishing that they do not meet the criteria for registration as a covered offender in Hawaii because the out-of-state conviction in their state is not for a covered offense under Hawaii law. Your Committee on Conference further finds that allowing out-of-state covered offenders to avoid registering as a sex offender in Hawaii by demonstrating that Hawaii's law is different from the law of the state that required the person to register as a sex offender is an unintended loophole in the registration law. This measure closes the loophole by requiring those persons who have been designated as a sex offender in another state, who is or would be required to be on a sex offender registry in that state, to be subject to registration requirements in the State of Hawaii.

Your Committee on Conference amended the measure by:


- (1) Specifying that a denial by the court for relief shall preclude the filing of another petition for termination of registration requirements for five years; and
- (2) Making it effective upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1042, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1042, S.D. 1, H.D. 1, C.D. 1.




Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE


SCOT Z. MATSUYOSHI
Chair

ON THE PART OF THE SENATE


CLARENCE K. NISHIHARA
Chair

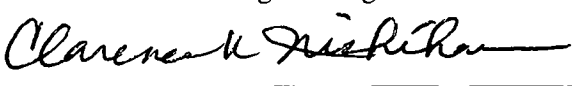


KARL RHOADS
Co-Chair



Hawai'i State Legislature

CCR 64

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 1042, SD 1, HD 1					Date/Time: 4/21/2021 4:20 pm					
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).										
<input type="checkbox"/> The Committee is reconsidering its previous decision.										
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input checked="" type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.					
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E	
NISHIHARA, Clarence K., Chr.	/				MATAYOSHI, Scot Z., Chr.	/				
RHOADS, Karl, Co-Chr.	/				TODD, Chris	/				
RIVIERE, Gil	/				WARD, Gene	/				
TOTAL	3	-	-	-	TOTAL	3	/	/	/	
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused			
Senate Recommendation is:					House Recommendation is:					
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:					
										
Distribution:		Original			Yellow		Pink		Goldenrod	
		File with Conference Committee Report			House Clerk's Office		Senate Clerk's Office		Drafting Agency	