STAND. COM. REP. NO. **342**-22

Honolulu, Hawaii

FEB 15 ' 2022

RE: H.B. No. 1466 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sir:

Your Committee on Health, Human Services, & Homelessness, to which was referred H.B. No. 1466 entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT OF A MINOR," begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish the class B felony offense of continuous sexual assault of a minor under the age of sixteen years in the second degree; and
- (2) Clarify that the existing offense of continuous sexual assault of a minor is a class A felony offense in the first degree that includes minor victims under the age of sixteen years.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Honolulu Police Department, Department of the Prosecuting Attorney of the City and County of Honolulu, Rainbow Family 808, and two individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that sexual assault is one of the most difficult crimes for any victim to report and testify about in any

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legal proceeding. This difficulty is even more apparent for child victims. Your Committee further finds that children are lacking in their ability to precisely recall certain information, such as date and time. This measure affords child victims the ability to describe conduct that they have endured over periods of time without requiring specificity as to date and time. Your Committee notes that an amendment to the Hawaii State Constitution is necessary for this measure to proceed and that a measure doing so is currently moving through the legislative process.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 2060, 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 Health, Human Services, & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1466, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1466, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on behalf of the members of the Committee on Health, Human Services, & Homelessness,

RYAN I YAMANE, Chair

State of Hawaii

House of Representatives
The Thirty-first Legislature

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Record of Votes of the Committee on Health, Human Services, & Homelessness

Bill/Resolution No.:	Committee Referral:			
1+B 1466	HHH, JHA 02/10/2022			
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
HHH Members	Ayes	Ayes (WR)	Nays Exc	cused
1. YAMANE, Ryan I. (C)				
2. TAM, Adrian K. (VC)	<i>J</i>			
3. GATES, Cedric Asuega				
4 HAD Character	V			
4. HAR, Sharon E.	V			
5. KAPELA, Jeanne				
o. ixi bla, jedine				
6. NISHIMOTO, Scott Y.				
7. WARD, Gene			U	
TOTAL (7)	6		1	
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				