

STAND. COM. REP. NO. 1090

Honolulu, Hawaii
MAR 03 , 2023

RE: H.B. No. 350
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 350, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to establish that the exemption from mandatory reporting of child abuse or neglect by members of the clergy does not apply when the clergy member believes there exists a substantial risk that child abuse or neglect that is especially heinous, atrocious, or cruel, manifesting exceptional depravity, may occur in the reasonably foreseeable future.

Your Committee received testimony in support of this measure from the Department of Human Services, Stonewall Caucus of the Democratic Party of Hawaii, and two individuals.

Your Committee finds that exempting members of the clergy from mandatory reporting of suspected future child abuse or neglect creates a danger that extreme cases of abuse and neglect may never be reported to appropriate authorities if details of those cases were only revealed in the context of a penitential communication with the clergy. Your Committee believes there is merit to establishing a narrow carve out to the mandatory reporting exemption. Such a carve out will ensure the societal

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obligation to protect vulnerable minors remains intact by requiring clergy to report particularly extreme cases of child abuse and neglect while still maintaining the confidentiality of penitential communications.

Your Committee has amended this measure by:

- (1) Changing the effective date to upon its approval; 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. 350, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 350, H.D. 2.

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



DAVID A. TARNAS, Chair



