
A BILL FOR AN ACT

RELATING TO COVERED OFFENDER REGISTRATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that sex offenders
2 present an extreme threat to public safety due to high rates of
3 sexual recidivism. To mitigate this threat, Hawaii established
4 covered offender registration laws to require the public release
5 of relevant information concerning the presence of convicted sex
6 offenders in the community.

7 The legislature further finds that there are certain gaps
8 under the current registration laws for offenses committed
9 against minors. For example, the public disclosure of
10 registration information is not required for an offender who,
11 while acting in a professional capacity, commits the offense of
12 sexual assault in the fourth degree against a minor who is at
13 least sixteen. This omission would allow these sex offenders -
14 who abused their position of trust, power, authority, or
15 supervision to engage in sexual contact with a minor - to evade
16 public detection and continue to prey upon children in the
17 community.



1 Accordingly, the purpose of this Act is to amend the
2 covered offender registration laws to:

3 (1) Include offenders who, while acting in a professional
4 capacity, commit the offense of sexual assault in the
5 fourth degree against a minor who is at least sixteen
6 years old; and

7 (2) Require public disclosure for covered offenses that
8 are committed against minors, regardless of whether
9 the conviction was for a first-time misdemeanor
10 offense.

11 SECTION 2. Section 846E-1, Hawaii Revised Statutes, is
12 amended by amending the definition of "sexual offense" to read
13 as follows:

14 ""Sexual offense" means an offense that is:

15 (1) Set forth in section 707-730(1), 707-731(1), 707-
16 732(1), 707-733(1)(a) [7] and (d), 707-733.6, 712-
17 1200.5(4), 712-1202(1), or 712-1203(1), but excludes
18 conduct that is criminal only because of the age of
19 the victim, as provided in section 707-730(1)(b) [7] or
20 [~~section~~] 707-732(1)(b) , if the perpetrator is under
21 the age of eighteen;



- 1 (2) An act defined in section 707-720 if the charging
2 document for the offense for which there has been a
3 conviction alleged intent to subject the victim to a
4 sexual offense;
- 5 (3) An act that consists of:
 - 6 (A) Criminal sexual conduct toward a minor, including
7 but not limited to an offense set forth in
8 section 707-759;
 - 9 (B) Solicitation of a minor who is less than fourteen
10 years old to engage in sexual conduct;
 - 11 (C) Use of a minor in a sexual performance;
 - 12 (D) Production, distribution, or possession of child
13 pornography chargeable as a felony under section
14 707-750, 707-751, or 707-752;
 - 15 (E) Electronic enticement of a child chargeable under
16 section 707-756 or 707-757 if the offense was
17 committed with the intent to promote or
18 facilitate the commission of another covered
19 offense as defined in this section; or
 - 20 (F) Commercial sexual exploitation of a minor in
21 violation of section 712-1209.1;



- 1 (4) A violation of privacy under section 711-1110.9;
- 2 (5) An act, as described in chapter 705, that is an
- 3 attempt, criminal solicitation, or criminal conspiracy
- 4 to commit one of the offenses designated in paragraphs
- 5 (1) through (4);
- 6 (6) A criminal offense that is comparable to or that
- 7 exceeds a sexual offense as defined in paragraphs (1)
- 8 through (5); or
- 9 (7) Any federal, military, out-of-state, tribal, or
- 10 foreign conviction for any offense that under the laws
- 11 of this State would be a sexual offense as defined in
- 12 paragraphs (1) through (6)."

13 SECTION 3. Section 846E-3, Hawaii Revised Statutes, is
14 amended by amending subsection (h) to read as follows:

15 "(h) If a covered offender has been convicted of only one
16 covered offense and that covered offense is a misdemeanor, and
17 was not committed against a minor, the covered offender shall
18 not be subject to the public access requirements set forth in
19 this section."



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1 SECTION 4. This Act shall not affect rights and duties
2 that matured, penalties and forfeitures that were incurred, and
3 proceedings that were begun before its effective date.

4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval.

7

INTRODUCED BY:

Rinde Achiyane

JAN 16 2025



H.B. NO. 359

Report Title:

Covered Offender Registration; Sexual Offense; Public Access

Description:

Amends covered offender registration laws to include offenders who, while acting in a professional capacity, commit the offense of sexual assault in the fourth degree against a minor who is at least sixteen years old. Provides that the exception to public access requirements does not apply when the covered offense was committed against a minor.

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