

JAN 23 2025

A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX
OFFENDERS.

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

1 SECTION 1. The legislature finds that a recent Civil Beat
2 article highlighted the inability of state licensing boards and
3 agencies to promptly revoke the professional licenses of
4 registered sex offenders. The legislature believes that timely
5 action in cases where certain professional license holders are
6 registered sex offenders is a vital aspect of consumer
7 protection. Delayed action in revoking a license and preventing
8 further practice by a registered sex offender places consumers
9 at unnecessary risk.

10 Accordingly, the purposes of this Act are to:

11 (1) Authorize the board of acupuncture, athletic trainer
12 program, board of barbering and cosmetology, state
13 board of chiropractic, board of dental examiners,
14 electrologist program, hearing aid dealer and fitter
15 program, marriage and family therapist licensing
16 program, state board of massage therapy, Hawaii
17 medical board, mental health counselors licensing

S.B. NO. 1373

1 program, state board of naturopathic medicine, state
2 board of nursing, nurse aide program, nursing home
3 administrator program, occupational therapy program,
4 midwives licensing program, dispensing opticians
5 program, board of examiners in optometry, board of
6 pharmacy, board of physical therapy, board of
7 psychology, behavior analyst program, respiratory
8 therapist program, social worker licensing program,
9 and state board of speech pathology and audiology to
10 automatically revoke and deny the renewal,
11 restoration, or reinstatement of a license to a
12 licensee who is a registered sex offender;

13 (2) Establish conditions for the disciplinary action; and

14 (3) Ensure consumer protection by requiring any final
15 order of discipline taken to be public record.

16 SECTION 2. Chapter 436E, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§436E- _____ Revocation of license or denial of application
20 to renew, restore, or reinstate a license based on conviction as
21 a registered sex offender; conditions. (a) Notwithstanding any
22 law to the contrary, the board shall automatically revoke a

S.B. NO. 1373

1 license or deny an application to renew, restore, or reinstate a
2 license under either of the following circumstances:

3 (1) The licensee has been convicted in any court in or
4 outside of this State of any offense that, if
5 committed or attempted in this State, based on the
6 elements of the convicted offense, would have been
7 punishable as one or more of the offenses described in
8 chapter 846E; or

9 (2) The licensee has been required to register as a sex
10 offender pursuant to the requirements of chapter 846E,
11 regardless of whether the related conviction has been
12 appealed.

13 (b) The board shall notify the licensee of the license
14 revocation or denial of application to renew, restore, or
15 reinstate the license and of the right to elect to have a
16 hearing as provided in subsection (c).

17 (c) Upon revocation of the license or denial of an
18 application to renew, restore, or reinstate, the licensee may
19 file a written request for a hearing with the licensing
20 authority within ten days of the notice. The hearing shall be
21 held within thirty days of the revocation or denial. The
22 proceeding shall be conducted in accordance with chapter 91.

S.B. NO. 1373

1 (d) For the purposes of enforcement of this section, a
2 plea or verdict of guilty, or a conviction after a plea of nolo
3 contendere, shall be deemed a conviction. The record of
4 conviction shall be conclusive evidence of the fact that the
5 conviction occurred.

6 (e) If the related conviction of the license holder is
7 overturned upon appeal, the revocation or denial ordered
8 pursuant to this section shall automatically cease. Nothing in
9 this subsection shall prohibit the board from pursuing
10 disciplinary action based on any cause other than the overturned
11 conviction.

12 (f) Any final order of discipline taken pursuant to this
13 section shall be a matter of public record.

14 (g) The board shall not restore, renew, or otherwise
15 reinstate the license of a person under any of the following
16 circumstances:

17 (1) The person has been required to register as a sex
18 offender pursuant to the requirements of chapter 846E,
19 regardless of whether the conviction has been
20 appealed; and

21 (2) The person engaged in the offense with a patient or
22 client, or with a former patient or client if the

S.B. NO. 1373

1 relationship was terminated primarily for the purpose
2 of committing the offense."

3 SECTION 3. Chapter 436H, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§436H- Revocation of license or denial of application
7 to renew, restore, or reinstate a license based on conviction as
8 a registered sex offender; conditions. (a) Notwithstanding any
9 law to the contrary, the director shall automatically revoke a
10 license or deny an application to renew, restore, or reinstate a
11 license under either of the following circumstances:

12 (1) The licensee has been convicted in any court in or
13 outside of this State of any offense that, if
14 committed or attempted in this State, based on the
15 elements of the convicted offense, would have been
16 punishable as one or more of the offenses described in
17 chapter 846E; or

18 (2) The licensee has been required to register as a sex
19 offender pursuant to the provisions of chapter 846E,
20 regardless of whether the related conviction has been
21 appealed.

S.B. NO. 1373

1 (b) The director shall notify the licensee of the license
2 revocation or denial of application to renew, restore, or
3 reinstate the license and of the right to elect to have a
4 hearing as provided in subsection (c).

5 (c) Upon revocation of the license or denial of an
6 application to renew, restore, or reinstate, the licensee may
7 file a written request for a hearing with the licensing
8 authority within ten days of the notice. The hearing shall be
9 held within thirty days of the revocation or denial. The
10 proceeding shall be conducted in accordance with chapter 91.

11 (d) For the purposes of enforcement of this section, a
12 plea or verdict of guilty, or a conviction after a plea of nolo
13 contendere, shall be deemed a conviction. The record of
14 conviction shall be conclusive evidence of the fact that the
15 conviction occurred.

16 (e) If the related conviction of the license holder is
17 overturned upon appeal, the revocation or denial ordered
18 pursuant to this section shall automatically cease. Nothing in
19 this subsection shall prohibit the program from pursuing
20 disciplinary action based on any cause other than the overturned
21 conviction.

S.B. NO. 1373

1 (f) Any final order of discipline taken pursuant to this
2 section shall be a matter of public record.

3 (g) The director shall not restore, renew, or otherwise
4 reinstate the license of a person under any of the following
5 circumstances:

6 (1) The person has been required to register as a sex
7 offender pursuant to the requirements of chapter 846E,
8 regardless of whether the conviction has been
9 appealed; and

10 (2) The person engaged in the offense with a patient or
11 client, or with a former patient or client if the
12 relationship was terminated primarily for the purpose
13 of committing the offense."

14 SECTION 4. Chapter 439A, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§439A- Revocation of license or denial of application
18 to renew, restore, or reinstate a license based on conviction as
19 a registered sex offender; conditions. (a) Notwithstanding any
20 law to the contrary, the board shall automatically revoke a
21 license or deny an application to renew, restore, or reinstate a
22 license under either of the following circumstances:

S.B. NO. 1373

1 (1) The licensee has been convicted in any court in or
2 outside of this State of any offense that, if
3 committed or attempted in this State, based on the
4 elements of the convicted offense, would have been
5 punishable as one or more of the offenses described in
6 chapter 846E; or

7 (2) The licensee has been required to register as a sex
8 offender pursuant to the requirements of chapter 846E,
9 regardless of whether the related conviction has been
10 appealed.

11 (b) The board shall notify the licensee of the license
12 revocation or denial of application to renew, restore, or
13 reinstate the license and of the right to elect to have a
14 hearing as provided in subsection (c).

15 (c) Upon revocation of the license or denial of an
16 application to renew, restore, or reinstate, the licensee may
17 file a written request for a hearing with the licensing
18 authority within ten days of the notice. The hearing shall be
19 held within thirty days of the revocation or denial. The
20 proceeding shall be conducted in accordance with chapter 91.

21 (d) For the purposes of enforcement of this section, a
22 plea or verdict of guilty, or a conviction after a plea of nolo

S.B. NO. 1373

1 contendere, shall be deemed a conviction. The record of
2 conviction shall be conclusive evidence of the fact that the
3 conviction occurred.

4 (e) If the related conviction of the license holder is
5 overturned upon appeal, the revocation or denial ordered
6 pursuant to this section shall automatically cease. Nothing in
7 this subsection shall prohibit the board from pursuing
8 disciplinary action based on any cause other than the overturned
9 conviction.

10 (f) Any final order of discipline taken pursuant to this
11 section shall be a matter of public record.

12 (g) The board shall not restore, renew, or otherwise
13 reinstate the license of a person under any of the following
14 circumstances:

15 (1) The person has been required to register as a sex
16 offender pursuant to the requirements of chapter 846E,
17 regardless of whether the conviction has been
18 appealed; and

19 (2) The person engaged in the offense with a patient or
20 client, or with a former patient or client if the
21 relationship was terminated primarily for the purpose
22 of committing the offense."

S.B. NO. 1373

1 SECTION 5. Chapter 442, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§442- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 6. Chapter 447, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§447- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. /373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 7. Chapter 448, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§448- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 8. Chapter 448F, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§448F- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 9. Chapter 451A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§451A- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 10. Chapter 451J, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§451J- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. /373

1 SECTION 11. Chapter 452, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§452- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 12. Chapter 453, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§453- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 13. Chapter 453D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§453D- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 14. Chapter 455, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 **"§455- Revocation of license or denial of application**
16 **to renew, restore, or reinstate a license based on conviction as**
17 **a registered sex offender; conditions. (a) Notwithstanding any**
18 **law to the contrary, the board shall automatically revoke a**
19 **license or deny an application to renew, restore, or reinstate a**
20 **license under either of the following circumstances:**

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 15. Chapter 457, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 16. Chapter 457A, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§457A- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 17. Chapter 457B, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457B- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 18. Chapter 457G, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§457G- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 19. Chapter 457J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§457J- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 20. Chapter 458, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§458- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. /373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 21. Chapter 459, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§459- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 22. Chapter 461, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§461- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. /373

1 SECTION 23. Chapter 461J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§461J- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. /373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 24. Chapter 463E, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§463E- **Revocation of license or denial of application**
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the board shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. /373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the requirements of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The board shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the board from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 25. Chapter 465, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§465- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 26. Chapter 465D, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§465D- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 27. Chapter 466D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§466D- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the director shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the provisions of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The director shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the program from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 28. Chapter 467E, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§467E- Revocation of license or denial of application
16 to renew, restore, or reinstate a license based on conviction as
17 a registered sex offender; conditions. (a) Notwithstanding any
18 law to the contrary, the director shall automatically revoke a
19 license or deny an application to renew, restore, or reinstate a
20 license under either of the following circumstances:

21 (1) The licensee has been convicted in any court in or
22 outside of this State of any offense that, if

S.B. NO. 1373

1 committed or attempted in this State, based on the
2 elements of the convicted offense, would have been
3 punishable as one or more of the offenses described in
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex
6 offender pursuant to the provisions of chapter 846E,
7 regardless of whether the related conviction has been
8 appealed.

9 (b) The director shall notify the licensee of the license
10 revocation or denial of application to renew, restore, or
11 reinstate the license and of the right to elect to have a
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an
14 application to renew, restore, or reinstate, the licensee may
15 file a written request for a hearing with the licensing
16 authority within ten days of the notice. The hearing shall be
17 held within thirty days of the revocation or denial. The
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a
20 plea or verdict of guilty, or a conviction after a plea of nolo
21 contendere, shall be deemed a conviction. The record of

S.B. NO. 1373

1 conviction shall be conclusive evidence of the fact that the
2 conviction occurred.

3 (e) If the related conviction of the license holder is
4 overturned upon appeal, the revocation or denial ordered
5 pursuant to this section shall automatically cease. Nothing in
6 this subsection shall prohibit the program from pursuing
7 disciplinary action based on any cause other than the overturned
8 conviction.

9 (f) Any final order of discipline taken pursuant to this
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise
12 reinstate the license of a person under any of the following
13 circumstances:

14 (1) The person has been required to register as a sex
15 offender pursuant to the requirements of chapter 846E,
16 regardless of whether the conviction has been
17 appealed; and

18 (2) The person engaged in the offense with a patient or
19 client, or with a former patient or client if the
20 relationship was terminated primarily for the purpose
21 of committing the offense."

S.B. NO. 1373

1 SECTION 29. Chapter 468E, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§468E- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction as
6 a registered sex offender; conditions. (a) Notwithstanding any
7 law to the contrary, the board shall automatically revoke a
8 license or deny an application to renew, restore, or reinstate a
9 license under either of the following circumstances:

10 (1) The licensee has been convicted in any court in or
11 outside of this State of any offense that, if
12 committed or attempted in this State, based on the
13 elements of the convicted offense, would have been
14 punishable as one or more of the offenses described in
15 chapter 846E; or

16 (2) The licensee has been required to register as a sex
17 offender pursuant to the requirements of chapter 846E,
18 regardless of whether the related conviction has been
19 appealed.

20 (b) The board shall notify the licensee of the license
21 revocation or denial of application to renew, restore, or

S.B. NO. 1373

1 reinstate the license and of the right to elect to have a
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an
4 application to renew, restore, or reinstate, the licensee may
5 file a written request for a hearing with the licensing
6 authority within ten days of the notice. The hearing shall be
7 held within thirty days of the revocation or denial. The
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a
10 plea or verdict of guilty, or a conviction after a plea of nolo
11 contendere, shall be deemed a conviction. The record of
12 conviction shall be conclusive evidence of the fact that the
13 conviction occurred.

14 (e) If the related conviction of the license holder is
15 overturned upon appeal, the revocation or denial ordered
16 pursuant to this section shall automatically cease. Nothing in
17 this subsection shall prohibit the board from pursuing
18 disciplinary action based on any cause other than the overturned
19 conviction.

20 (f) Any final order of discipline taken pursuant to this
21 section shall be a matter of public record.

S.B. NO. 1373

1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person under any of the following
3 circumstances:

4 (1) The person has been required to register as a sex
5 offender pursuant to the requirements of chapter 846E,
6 regardless of whether the conviction has been
7 appealed; and

8 (2) The person engaged in the offense with a patient or
9 client, or with a former patient or client if the
10 relationship was terminated primarily for the purpose
11 of committing the offense."

12 SECTION 30. This Act does not affect rights and duties
13 that matured, penalties that were incurred, and proceedings that
14 were begun before its effective date.

15 SECTION 31. New statutory material is underscored.

16 SECTION 32. This Act shall take effect upon its approval.

17

18

INTRODUCED BY: 

19

BY REQUEST

S.B. NO. 1373

Report Title:

DCCA; Registered Sex Offenders; Professional Licenses; Automatic Revocation and Denial of Application to Renew, Restore, or Reinstatement

Description:

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

SB. NO. 1373

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX OFFENDERS.

PURPOSE: To allow the timely revocation of a license and denial of a renewal, restoration, or reinstatement of a license for certain professions when the licensee is a registered sex offender.

MEANS: Add new sections to chapters 436E, 436H, 439A, 442, 447, 448, 448F, 451A, 451J, 452, 453, 453D, 455, 457, 457A, 457B, 457G, 457J, 458, 459, 461, 461J, 463E, 465, 465D, 466D, 467E, and 468E, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Current laws do not facilitate the timely revocation of a license and denial of a renewal, restoration, or reinstatement of a license for certain professions when the licensee becomes or is found to be a registered sex offender. This bill allows for the automatic revocation of a license or denial of an application to renew, reinstate, or restore a license for certain professions when the licensee is a registered sex offender.

Impact on the public: Increases consumer safety and welfare.

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: CCA-105.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.