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# 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 an October 2024  
2 Civil Beat article highlighted the inability of state licensing  
3 boards and agencies to promptly revoke the professional licenses  
4 of registered sex offenders. The legislature believes that  
5 timely action in cases where certain professional license,  
6 registration, or certification holders are registered sex  
7 offenders is a vital aspect of consumer protection. Delayed  
8 action in revoking a license, registration, or certification and  
9 preventing further practice by a registered sex offender places  
10 consumers at unnecessary risk.

11           Accordingly, the purpose of this Act is to:

12           (1) Require the board of acupuncture, athletic trainer  
13                 program, board of barbering and cosmetology, Hawaii  
14                 board of chiropractic, board of dentistry,  
15                 electrologist program, hearing aid dealer and fitter  
16                 program, marriage and family therapist licensing



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

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

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

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



1        "§436E-        Revocation of license or denial of application  
2 to renew, restore, or reinstate a license based on conviction as  
3 a registered sex offender; conditions. (a) Notwithstanding any  
4 law to the contrary, the board shall automatically revoke a  
5 license or deny an application to renew, restore, or reinstate a  
6 license under either of the following circumstances:

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

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

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

20       (c) Upon revocation of the license or denial of an  
21 application to renew, restore, or reinstate, the licensee may



1 file a written request for a hearing with the board within ten  
2 days of the notice. The hearing shall be held within thirty  
3 days of the revocation or denial. The proceeding shall be  
4 conducted in accordance with chapter 91.

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

10 (e) If the related conviction of the licensee is  
11 overturned upon appeal, the revocation or denial ordered  
12 pursuant to this section shall automatically cease. Nothing in  
13 this subsection shall prohibit the board from pursuing  
14 disciplinary action based on any cause other than the overturned  
15 conviction.

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

18 (g) The board shall not restore, renew, or otherwise  
19 reinstate the license of a person when:

20 (1) The person has been required to register as a sex  
21 offender pursuant to the requirements of chapter 846E,



1           regardless of whether the conviction has been  
 2           appealed; and  
 3           (2) The victim of the covered offense was a patient or  
 4           client, or a former patient or client, if the  
 5           relationship was terminated primarily for the purpose  
 6           of committing the covered offense."

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

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

17           (1) The registrant is convicted in any court in or outside  
 18           of this State of any offense that, if committed or  
 19           attempted in this State, based on the elements of the  
 20           convicted offense, would have been punishable as one  
 21           or more of the offenses described in chapter 846E; or



1       (2) The registrant is required to register as a sex  
2       offender pursuant to the provisions of chapter 846E,  
3       regardless of whether the related conviction has been  
4       appealed.

5       (b) The director shall notify the registrant of the  
6       registration revocation or denial of application to renew,  
7       restore, or reinstate the registration and of the right to elect  
8       to have a hearing as provided in subsection (c).

9       (c) Upon revocation of the registration or denial of an  
10       application to renew, restore, or reinstate, the registrant may  
11       file a written request for a hearing with the director within  
12       ten days of the notice. The hearing shall be held within thirty  
13       days of the revocation or denial. The proceeding shall be  
14       conducted in accordance with chapter 91.

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

20       (e) If the related conviction of the registrant is  
21       overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in  
2 this subsection shall prohibit the director from pursuing  
3 disciplinary action based on any cause other than the overturned  
4 conviction.

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

7 (g) The director shall not restore, renew, or otherwise  
8 reinstate the registration of a person when:

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

13 (2) The victim of the covered offense was a patient or  
14 client, or a former patient or client, if the  
15 relationship was terminated primarily for the purpose  
16 of committing the covered offense."

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

20 **"§439A- Revocation of license or denial of application**  
21 **to renew, restore, or reinstate a license based on conviction as**



1 a registered sex offender; conditions. (a) Notwithstanding any  
2 law to the contrary, the board shall automatically revoke a  
3 license or deny an application to renew, restore, or reinstate a  
4 license under either of the following circumstances:

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

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

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

18 (c) Upon revocation of the license or denial of an  
19 application to renew, restore, or reinstate, the licensee may  
20 file a written request for a hearing with the board within ten  
21 days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be  
2 conducted in accordance with chapter 91.

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

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

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

16 (g) The board shall not restore, renew, or otherwise  
17 reinstate the license of a person when:

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



1       (2) The victim of the covered offense was a patient or  
 2       client, or a former patient or client, if the  
 3       relationship was terminated primarily for the purpose  
 4       of committing the covered offense."

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

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

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

19       (2) The licensee is required to register as a sex offender  
 20       pursuant to the requirements of chapter 846E,



1           regardless of whether the related conviction has been  
2           appealed.

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

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

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

18           (e) If the related conviction of the licensee is  
19           overturned upon appeal, the revocation or denial ordered  
20           pursuant to this section shall automatically cease. Nothing in  
21           this subsection shall prohibit the board from pursuing



1 disciplinary action based on any cause other than the overturned  
2 conviction.

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

5 (g) The board shall not restore, renew, or otherwise  
6 reinstate the license of a person when:

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

11 (2) The victim of the covered offense was a patient or  
12 client, or a former patient or client, if the  
13 relationship was terminated primarily for the purpose  
14 of committing the covered offense."

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

18 **"§447- Revocation of license or denial of application**  
19 **to renew, restore, or reinstate a license based on conviction as**  
20 **a registered sex offender; conditions.** (a) Notwithstanding any  
21 law to the contrary, the board of dentistry shall automatically



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

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

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

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

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



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 licensee 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 of dentistry from  
10 pursuing disciplinary action based on any cause other than the  
11 overturned 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 of dentistry shall not restore, renew, or  
15 otherwise reinstate the license of a person when:

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

20        (2) The victim of the covered offense was a patient or  
21 client, or a former patient or client, if the



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

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

6           "§448-           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 board 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 is convicted in any court in or outside  
13           of this State of any offense that, if committed or  
14           attempted in this State, based on the elements of the  
15           convicted offense, would have been punishable as one  
16           or more of the offenses described in chapter 846E; or  
17           (2) The licensee is required to register as a sex offender  
18           pursuant to the requirements of chapter 846E,  
19           regardless of whether the related conviction has been  
20           appealed.



1       (b) The board 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 board within ten  
8 days of the notice. The hearing shall be held within thirty  
9 days of the revocation or denial. The proceeding shall be  
10 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 licensee 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 board from pursuing  
20 disciplinary action based on any cause other than the overturned  
21 conviction.



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

3        (g) The board shall not restore, renew, or otherwise  
4 reinstate the license of a person when:

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

9        (2) The victim of the covered offense was a patient or  
10 client, or a former patient or client, if the  
11 relationship was terminated primarily for the purpose  
12 of committing the covered offense."

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

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



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

6       (2) The licensee is required to register as a sex offender  
7       pursuant to the provisions of chapter 846E, regardless  
8       of whether the related conviction has been 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 director within  
16      ten days of the notice. The hearing shall be held within thirty  
17      days of the revocation or denial. The proceeding shall be  
18      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



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

3 (e) If the related conviction of the licensee 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 director 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 when:

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

17 (2) The victim of the covered offense was a patient or  
18 client, or a former patient or client, if the  
19 relationship was terminated primarily for the purpose  
20 of committing the covered offense."



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

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

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



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

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

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

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

20        (g) The director shall not restore, renew, or otherwise  
21 reinstate the license of a person when:



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

5       (2) The victim of the covered offense was a patient or  
6       client, or a former patient or client, if the  
7       relationship was terminated primarily for the purpose  
8       of committing the covered offense."

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

12       "§451J-        Revocation of license or denial of application  
13      to renew, restore, or reinstate a license based on conviction as  
14      a registered sex offender; conditions. (a) Notwithstanding any  
15      law to the contrary, the director shall automatically revoke a  
16      license or deny an application to renew, restore, or reinstate a  
17      license under either of the following circumstances:

18       (1) The licensee is convicted in any court in or outside  
19       of this State of any offense that, if committed or  
20       attempted in this State, based on the elements of the



1 convicted offense, would have been punishable as one  
2 or more of the offenses described in chapter 846E; or  
3 (2) The licensee is required to register as a sex offender  
4 pursuant to the provisions of chapter 846E, regardless  
5 of whether the related conviction has been appealed.  
6 (b) The director shall notify the licensee of the license  
7 revocation or denial of application to renew, restore, or  
8 reinstate the license and of the right to elect to have a  
9 hearing as provided in subsection (c).  
10 (c) Upon revocation of the license or denial of an  
11 application to renew, restore, or reinstate, the licensee may  
12 file a written request for a hearing with the director within  
13 ten days of the notice. The hearing shall be held within thirty  
14 days of the revocation or denial. The proceeding shall be  
15 conducted in accordance with chapter 91.  
16 (d) For the purposes of enforcement of this section, a  
17 plea or verdict of guilty, or a conviction after a plea of nolo  
18 contendere, shall be deemed a conviction. The record of  
19 conviction shall be conclusive evidence of the fact that the  
20 conviction occurred.



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

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

9       (g) The director shall not restore, renew, or otherwise  
10 reinstate the license of a person when:

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

15       (2) The victim of the covered offense was a patient or  
16 client, or a former patient or client, if the  
17 relationship was terminated primarily for the purpose  
18 of committing the covered offense."

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



1           "§452-           Revocation of license or denial of application  
2 to renew, restore, or reinstate a license based on conviction as  
3 a registered sex offender; conditions. (a) Notwithstanding any  
4 law to the contrary, the board shall automatically revoke a  
5 license or deny an application to renew, restore, or reinstate a  
6 license under either of the following circumstances:

- 7           (1) The licensee is convicted in any court in or outside  
8           of this State of any offense that, if committed or  
9           attempted in this State, based on the elements of the  
10           convicted offense, would have been punishable as one  
11           or more of the offenses described in chapter 846E; or  
12           (2) The licensee is required to register as a sex offender  
13           pursuant to the requirements of chapter 846E,  
14           regardless of whether the related conviction has been  
15           appealed.

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

20           (c) Upon revocation of the license or denial of an  
21 application to renew, restore, or reinstate, the licensee may



1 file a written request for a hearing with the board within ten  
2 days of the notice. The hearing shall be held within thirty  
3 days of the revocation or denial. The proceeding shall be  
4 conducted in accordance with chapter 91.

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

10 (e) If the related conviction of the licensee is  
11 overturned upon appeal, the revocation or denial ordered  
12 pursuant to this section shall automatically cease. Nothing in  
13 this subsection shall prohibit the board from pursuing  
14 disciplinary action based on any cause other than the overturned  
15 conviction.

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

18 (g) The board shall not restore, renew, or otherwise  
19 reinstate the license of a person when:

20 (1) The person has been required to register as a sex  
21 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been  
 2 appealed; and  
 3 (2) The victim of the covered offense was a patient or  
 4 client, or a former patient or client, if the  
 5 relationship was terminated primarily for the purpose  
 6 of committing the covered offense."

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

10 **"§453- Revocation of license or denial of application**  
 11 **to renew, restore, or reinstate a license based on conviction as**  
 12 **a registered sex offender; conditions.** (a) Notwithstanding any  
 13 law to the contrary, the board shall automatically revoke a  
 14 license or deny an application to renew, restore, or reinstate a  
 15 license under either of the following circumstances:

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



1       (2) The licensee is required to register as a sex offender  
2           pursuant to the requirements of chapter 846E,  
3           regardless of whether the related conviction has been  
4           appealed.

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

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

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

20       (e) If the related conviction of the licensee is  
21       overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in  
2 this subsection shall prohibit the board from pursuing  
3 disciplinary action based on any cause other than the overturned  
4 conviction.

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

7 (g) The board shall not restore, renew, or otherwise  
8 reinstate the license of a person when:

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

13 (2) The victim of the covered offense was a patient or  
14 client, or a former patient or client, if the  
15 relationship was terminated primarily for the purpose  
16 of committing the covered offense."

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

20 **"§453D- Revocation of license or denial of application**  
21 **to renew, restore, or reinstate a license based on conviction as**



1 a registered sex offender; conditions. (a) Notwithstanding any  
2 law to the contrary, the director shall automatically revoke a  
3 license or deny an application to renew, restore, or reinstate a  
4 license under either of the following circumstances:

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

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

13 (b) The director 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 director within  
20 ten days of the notice. The hearing shall be held within thirty



1 days of the revocation or denial. The proceeding shall be  
2 conducted in accordance with chapter 91.

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

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

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

16 (g) The director shall not restore, renew, or otherwise  
17 reinstate the license of a person when:

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



1       (2) The victim of the covered offense was a patient or  
2       client, or a former patient or client, if the  
3       relationship was terminated primarily for the purpose  
4       of committing the covered offense."

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

8       "§455-       Revocation of license or denial of application  
9       to renew, restore, or reinstate a license based on conviction as  
10      a registered sex offender; conditions. (a) Notwithstanding any  
11      law to the contrary, the board shall automatically revoke a  
12      license or deny an application to renew, restore, or reinstate a  
13      license under either of the following circumstances:

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

19      (2) The licensee is required to register as a sex offender  
20      pursuant to the requirements of chapter 846E,



1 regardless of whether the related conviction has been  
2 appealed.

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

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

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

18 (e) If the related conviction of the licensee is  
19 overturned upon appeal, the revocation or denial ordered  
20 pursuant to this section shall automatically cease. Nothing in  
21 this subsection shall prohibit the board from pursuing



1 disciplinary action based on any cause other than the overturned  
2 conviction.

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

5 (g) The board shall not restore, renew, or otherwise  
6 reinstate the license of a person when:

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

11 (2) The victim of the covered offense was a patient or  
12 client, or a former patient or client, if the  
13 relationship was terminated primarily for the purpose  
14 of committing the covered offense."

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

18 "§457- Revocation of license or denial of application  
19 to renew, restore, or reinstate a license based on conviction as  
20 a registered sex offender; conditions. (a) Notwithstanding any  
21 law to the contrary, the board shall automatically revoke a



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

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

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

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

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



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 licensee 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 when:

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

20        (2) The victim of the covered offense was a patient or  
21 client, or a former patient or client, if the



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

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

6           "§457A-        Revocation of certification or denial of  
7 application to renew, restore, or reinstate a certification  
8 based on conviction as a registered sex offender; conditions.

9           (a) Notwithstanding any law to the contrary, the director shall  
10 automatically revoke a certification or deny an application to  
11 renew, restore, or reinstate a certification under either of the  
12 following circumstances:

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

19           (2) The certification holder is required to register as a  
20 sex offender pursuant to the provisions of chapter



1           846E, regardless of whether the related conviction has  
2           been appealed.

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

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

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

18           (e) If the related conviction of the certification holder  
19           is overturned upon appeal, the revocation or denial ordered  
20           pursuant to this section shall automatically cease. Nothing in  
21           this subsection shall prohibit the director from pursuing



1 disciplinary action based on any cause other than the overturned  
2 conviction.

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

5 (g) The director shall not restore, renew, or otherwise  
6 reinstate the certification of a person when:

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

11 (2) The victim of the covered offense was a patient or  
12 client, or a former patient or client, if the  
13 relationship was terminated primarily for the purpose  
14 of committing the covered offense."

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

18 "§457B- Revocation of license or denial of application  
19 to renew, restore, or reinstate a license based on conviction as  
20 a registered sex offender; conditions. (a) Notwithstanding any  
21 law to the contrary, the director shall automatically revoke a



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

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

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

11 (b) The director 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 director within  
18 ten days of the notice. The hearing shall be held within thirty  
19 days of the revocation or denial. The proceeding shall be  
20 conducted in accordance with chapter 91.



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 licensee 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 director 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 director shall not restore, renew, or otherwise  
15 reinstate the license of a person when:

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

20       (2) The victim of the covered offense was a patient or  
21 client, or a former patient or client, if the



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

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

6 **"§457G- \_\_\_\_\_ 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 is convicted in any court in or outside  
13 of this State of any offense that, if committed or  
14 attempted in this State, based on the elements of the  
15 convicted offense, would have been punishable as one  
16 or more of the offenses described in chapter 846E; or  
17 (2) The licensee is required to register as a sex offender  
18 pursuant to the provisions of chapter 846E, regardless  
19 of whether the related conviction has been appealed.

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



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 director within  
6 ten days of the notice. The hearing shall be held within thirty  
7 days of the revocation or denial. The proceeding shall be  
8 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 licensee 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 director 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.



1        (g) The director shall not restore, renew, or otherwise  
2 reinstate the license of a person when:

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

7        (2) The victim of the covered offense was a patient or  
8 client, or a former patient or client, if the  
9 relationship was terminated primarily for the purpose  
10 of committing the covered offense."

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

14        "§457J-        **Revocation of license or denial of application**  
15 **to renew, restore, or reinstate a license based on conviction as**  
16 **a registered sex offender; conditions.** (a) Notwithstanding any  
17 law to the contrary, the director shall automatically revoke a  
18 license or deny an application to renew, restore, or reinstate a  
19 license under either of the following circumstances:

20        (1) The licensee is convicted in any court in or outside  
21 of this State of any offense that, if committed or



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

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

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

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

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



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

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

9       (g) The director shall not restore, renew, or otherwise  
10 reinstate the license of a person when:

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

15       (2) The victim of the covered offense was a patient or  
16 client, or a former patient or client, if the  
17 relationship was terminated primarily for the purpose  
18 of committing the covered offense."

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



1           "§458-           Revocation of license or denial of application  
2 to renew, restore, or reinstate a license based on conviction as  
3 a registered sex offender; conditions. (a) Notwithstanding any  
4 law to the contrary, the director of commerce and consumer  
5 affairs shall automatically revoke a license or deny an  
6 application to renew, restore, or reinstate a license under  
7 either of the following circumstances:

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

13           (2) The licensee is required to register as a sex offender  
14           pursuant to the provisions of chapter 846E, regardless  
15           of whether the related conviction has been appealed.

16           (b) The director of commerce and consumer affairs shall  
17 notify the licensee of the license revocation or denial of  
18 application to renew, restore, or reinstate the license and of  
19 the right to elect to have a hearing as provided in subsection  
20 (c).



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

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

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

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



1        (g) The director of commerce and consumer affairs shall  
2 not restore, renew, or otherwise reinstate the license of a  
3 person when:

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 victim of the covered offense was a patient or  
9 client, or a former patient or client, if the  
10 relationship was terminated primarily for the purpose  
11 of committing the covered offense."

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

15        **"§459-        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:



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

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

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

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

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



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 licensee 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 when:

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 victim of the covered offense was a patient or  
19 client, or a former patient or client, if the  
20 relationship was terminated primarily for the purpose  
21 of committing the covered offense."



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

4 "§461- 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 is convicted in any court in or outside  
11 of this State of any offense that, if committed or  
12 attempted in this State, based on the elements of the  
13 convicted offense, would have been punishable as one  
14 or more of the offenses described in chapter 846E; or  
15 (2) The licensee is required to register as a sex offender  
16 pursuant to the requirements of chapter 846E,  
17 regardless of whether the related conviction has been  
18 appealed.

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



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 board within ten  
6 days of the notice. The hearing shall be held within thirty  
7 days of the revocation or denial. The proceeding shall be  
8 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 licensee 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.



1        (g) The board shall not restore, renew, or otherwise  
2 reinstate the license of a person when:

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

7        (2) The victim of the covered offense was a patient or  
8 client, or a former patient or client, if the  
9 relationship was terminated primarily for the purpose  
10 of committing the covered offense."

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

14        "§461J-        Revocation of license or denial of application  
15 to renew, restore, or reinstate a license based on conviction as  
16 a registered sex offender; conditions. (a) Notwithstanding any  
17 law to the contrary, the board shall automatically revoke a  
18 license or deny an application to renew, restore, or reinstate a  
19 license under either of the following circumstances:

20        (1) The licensee is convicted in any court in or outside  
21 of this State of any offense that, if committed or



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

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

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

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

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



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

3 (e) If the related conviction of the licensee 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 when:

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

17 (2) The victim of the covered offense was a patient or  
18 client, or a former patient or client, if the  
19 relationship was terminated primarily for the purpose  
20 of committing the covered offense."



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

4 "§463E- 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 is convicted in any court in or outside  
11 of this State of any offense that, if committed or  
12 attempted in this State, based on the elements of the  
13 convicted offense, would have been punishable as one  
14 or more of the offenses described in chapter 846E; or  
15 (2) The licensee is required to register as a sex offender  
16 pursuant to the requirements of chapter 846E,  
17 regardless of whether the related conviction has been  
18 appealed.

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



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 board within ten  
6 days of the notice. The hearing shall be held within thirty  
7 days of the revocation or denial. The proceeding shall be  
8 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 licensee 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.



1        (g) The board shall not restore, renew, or otherwise  
2 reinstate the license of a person when:

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

7        (2) The victim of the covered offense was a patient or  
8 client, or a former patient or client, if the  
9 relationship was terminated primarily for the purpose  
10 of committing the covered offense."

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

14        "§465-        **Revocation of license or denial of application**  
15 to renew, restore, or reinstate a license based on conviction as  
16 a registered sex offender; conditions. (a) Notwithstanding any  
17 law to the contrary, the board shall automatically revoke a  
18 license or deny an application to renew, restore, or reinstate a  
19 license under either of the following circumstances:

20        (1) The licensee is convicted in any court in or outside  
21 of this State of any offense that, if committed or



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

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

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

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

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



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

3 (e) If the related conviction of the licensee 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 when:

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

17 (2) The victim of the covered offense was a patient or  
18 client, or a former patient or client, if the  
19 relationship was terminated primarily for the purpose  
20 of committing the covered offense."



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

4 "§465D- 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 is convicted in any court in or outside  
11 of this State of any offense that, if committed or  
12 attempted in this State, based on the elements of the  
13 convicted offense, would have been punishable as one  
14 or more of the offenses described in chapter 846E; or

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

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



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

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

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

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

20       (g) The director shall not restore, renew, or otherwise  
21 reinstate the license of a person when:

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

5       (2) The victim of the covered offense was a patient or  
6       client, or a former patient or client, if the  
7       relationship was terminated primarily for the purpose  
8       of committing the covered offense."

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

12        "§466D-        Revocation of license or denial of application  
13      to renew, restore, or reinstate a license based on conviction as  
14      a registered sex offender; conditions. (a) Notwithstanding any  
15      law to the contrary, the director shall automatically revoke a  
16      license or deny an application to renew, restore, or reinstate a  
17      license under either of the following circumstances:

18        (1) The licensee is convicted in any court in or outside  
19        of this State of any offense that, if committed or  
20        attempted in this State, based on the elements of the



1 convicted offense, would have been punishable as one  
2 or more of the offenses described in chapter 846E; or  
3 (2) The licensee is required to register as a sex offender  
4 pursuant to the provisions of chapter 846E, regardless  
5 of whether the related conviction has been appealed.

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

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

16 (d) For the purposes of enforcement of this section, a  
17 plea or verdict of guilty, or a conviction after a plea of nolo  
18 contendere, shall be deemed a conviction. The record of  
19 conviction shall be conclusive evidence of the fact that the  
20 conviction occurred.



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

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

9       (g) The director shall not restore, renew, or otherwise  
10 reinstate the license of a person when:

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

15       (2) The victim of the covered offense was a patient or  
16 client, or a former patient or client, if the  
17 relationship was terminated primarily for the purpose  
18 of committing the covered offense."

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



1        "§467E-        Revocation of license or denial of application  
2 to renew, restore, or reinstate a license based on conviction as  
3 a registered sex offender; conditions. (a) Notwithstanding any  
4 law to the contrary, the director shall automatically revoke a  
5 license or deny an application to renew, restore, or reinstate a  
6 license under either of the following circumstances:

7        (1) The licensee is convicted in any court in or outside  
8        of this State of any offense that, if committed or  
9        attempted in this State, based on the elements of the  
10       convicted offense, would have been punishable as one  
11       or more of the offenses described in chapter 846E; or  
12       (2) The licensee is required to register as a sex offender  
13       pursuant to the provisions of chapter 846E, regardless  
14       of whether the related conviction has been appealed.

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

19       (c) Upon revocation of the license or denial of an  
20 application to renew, restore, or reinstate, the licensee may  
21 file a written request for a hearing with the director within

1 ten days of the notice. The hearing shall be held within thirty  
2 days of the revocation or denial. The proceeding shall be  
3 conducted in accordance with chapter 91.

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

9 (e) If the related conviction of the licensee is  
10 overturned upon appeal, the revocation or denial ordered  
11 pursuant to this section shall automatically cease. Nothing in  
12 this subsection shall prohibit the director from pursuing  
13 disciplinary action based on any cause other than the overturned  
14 conviction.

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

17 (g) The director shall not restore, renew, or otherwise  
18 reinstate the license of a person when:

19 (1) The person has been required to register as a sex  
20 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been  
 2 appealed; and  
 3 (2) The victim of the covered offense was a patient or  
 4 client, or a former patient or client, if the  
 5 relationship was terminated primarily for the purpose  
 6 of committing the covered offense."

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

10 "§468E- Revocation of license or denial of application  
 11 to renew, restore, or reinstate a license based on conviction as  
 12 a registered sex offender; conditions. (a) Notwithstanding any  
 13 law to the contrary, the board shall automatically revoke a  
 14 license or deny an application to renew, restore, or reinstate a  
 15 license under either of the following circumstances:

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

1       (2) The licensee is required to register as a sex offender  
2           pursuant to the requirements of chapter 846E,  
3           regardless of whether the related conviction has been  
4           appealed.

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

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

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

20       (e) If the related conviction of the licensee is  
21       overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in  
2 this subsection shall prohibit the board from pursuing  
3 disciplinary action based on any cause other than the overturned  
4 conviction.

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

7 (g) The board shall not restore, renew, or otherwise  
8 reinstate the license of a person when:

9 (1) The person has been required to register as a sex  
10 offender pursuant to the requirements of chapter 846E,  
11 regardless of whether the conviction has been  
12 appealed; and  
13 (2) The victim of the covered offense was a patient or  
14 client, or a former patient or client, if the  
15 relationship was terminated primarily for the purpose  
16 of committing the covered offense."

17 SECTION 30. This Act does not affect rights and duties  
18 that matured, penalties that were incurred, and proceedings that  
19 were begun before its effective date.

20 SECTION 31. New statutory material is underscored.



**1** SECTION 32. This Act shall take effect on July 1, 3000.



**Report Title:**

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

**Description:**

Requires the Director of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses, registrations, or certifications of registered sex offenders. Effective 7/1/3000. (HD1)

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

