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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, certification, or permit holders are registered  
7 sex offenders is a vital aspect of consumer protection. Delayed  
8 action in revoking a license, registration, certification, or  
9 permit and preventing further practice by a registered sex  
10 offender places 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 issuance, renewal, restoration, or  
 13 reinstatement of a license, registration,  
 14 certification, or permit to a person who is a  
 15 registered sex offender;

- 16 (2) Establish conditions for the disciplinary action; and
- 17 (3) Ensure consumer protection by requiring any final
- 18 order of discipline taken to be public record.

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



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

8        (1) The person is convicted in any court in or outside of  
9        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 sexual offenses described in chapter  
13       846E; or

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

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



1       (c) Upon revocation of the license or permit or denial of  
2 an application to issue, renew, restore, or reinstate the  
3 license or permit, the person may file a written request for a  
4 hearing with the board within ten days of the notice. The  
5 hearing shall be held within thirty days of the revocation or  
6 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 person is overturned  
14 upon appeal, the revocation or denial ordered pursuant to this  
15 section shall automatically cease. Nothing in this subsection  
16 shall prohibit the board from pursuing disciplinary action based  
17 on any cause other than the overturned conviction.

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

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



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

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

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

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

18       (1) The person is convicted in any court in or outside of  
19       this State of any offense that, if committed or  
20       attempted in this State, based on the elements of the  
21       convicted offense, would have been punishable as one



1           or more of the sexual offenses described in chapter  
2           846E; or

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

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

10           (c) Upon revocation of the registration or denial of an  
11           application to issue, renew, restore, or reinstate the  
12           registration, the person may file a written request for a  
13           hearing with the director within ten days of the notice. The  
14           hearing shall be held within thirty days of the revocation or  
15           denial. The proceeding shall be conducted in accordance with  
16           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 person is overturned  
2 upon appeal, the revocation or denial ordered pursuant to this  
3 section shall automatically cease. Nothing in this subsection  
4 shall prohibit the director from pursuing disciplinary action  
5 based on any cause other than the overturned conviction.

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

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

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

13       (2) The victim of the covered sexual offense was a patient  
14 or client, or a former patient or client, if the  
15 relationship was terminated primarily for the purpose  
16 of committing the covered sexual 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 permit or denial of  
21 application to issue, renew, restore, or reinstate a license or



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

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

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

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

19 (c) Upon revocation of the license or permit or denial of  
20 an application to issue, renew, restore, or reinstate the  
21 license or permit, the person may file a written request for a



1 hearing with the board within ten days of the notice. The  
2 hearing shall be held within thirty days of the revocation or  
3 denial. The proceeding shall be conducted in accordance with  
4 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 person is overturned  
11 upon appeal, the revocation or denial ordered pursuant to this  
12 section shall automatically cease. Nothing in this subsection  
13 shall prohibit the board from pursuing disciplinary action based  
14 on any cause other than the overturned conviction.

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

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

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



1       (2) The victim of the covered sexual offense was a patient  
2       or client, or a former patient or client, if the  
3       relationship was terminated primarily for the purpose  
4       of committing the covered sexual 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 issue, renew, restore, or reinstate a license based on  
10 conviction as a registered sex offender; conditions. (a)

11 Notwithstanding any law to the contrary, the board shall  
12 automatically revoke a license or deny an application to issue,  
13 renew, restore, or reinstate a license under either of the  
14 following circumstances:

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



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

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

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

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

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



1 shall prohibit the board from pursuing disciplinary action based  
2 on any cause other than the overturned 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 chapter 846E, regardless of  
9 whether the conviction has been appealed; and

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

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

17 **"§447- Revocation of license or denial of application**  
18 **to issue, renew, restore, or reinstate a license based on**  
19 **conviction as a registered sex offender; conditions. (a)**

20 Notwithstanding any law to the contrary, the board of dentistry  
21 shall automatically revoke a license or deny an application to



1 issue, renew, restore, or reinstate a license under either of  
2 the following circumstances:

3 (1) The person is convicted in any court in or outside of  
4 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 sexual offenses described in chapter  
8 846E; or

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

12 (b) The board of dentistry shall notify the person of the  
13 license revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,  
18 the person may file a written request for a hearing with the  
19 board of dentistry within ten days of the notice. The hearing  
20 shall be held within thirty days of the revocation or denial.

21 The proceeding shall 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 person is overturned  
7 upon appeal, the revocation or denial ordered pursuant to this  
8 section shall automatically cease. Nothing in this subsection  
9 shall prohibit the board of dentistry from pursuing disciplinary  
10 action based on any cause other than the overturned conviction.

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

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

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

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



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 issue, renew, restore, or reinstate a license based on  
6 conviction as a registered sex offender; conditions. (a)

7 Notwithstanding any law to the contrary, the board shall  
8 automatically revoke a license or deny an application to issue,  
9 renew, restore, or reinstate a license under either of the  
10 following circumstances:

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

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

20 (b) The board shall notify the person of the license  
21 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,  
5 the person may file a written request for a hearing with the  
6 board within ten days of the notice. The hearing shall be held  
7 within thirty days of the revocation or denial. The proceeding  
8 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 person is overturned  
15 upon appeal, the revocation or denial ordered pursuant to this  
16 section shall automatically cease. Nothing in this subsection  
17 shall prohibit the board from pursuing disciplinary action based  
18 on any 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 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 chapter 846E, regardless of  
5 whether the conviction has been appealed; and

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

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

13       "§448F-       Revocation of license or denial of application  
14 to issue, renew, restore, or reinstate a license based on  
15 conviction as a registered sex offender; conditions. (a)

16 Notwithstanding any law to the contrary, the director shall  
17 automatically revoke a license or deny an application to issue,  
18 renew, restore, or reinstate a license under either of the  
19 following circumstances:

20       (1) The person is convicted in any court in or outside of  
21 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 sexual offenses described in chapter  
4           846E; or

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

8           (b) The director shall notify the person of the license  
9           revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,  
14           the person may file a written request for a hearing with the  
15           director within ten days of the notice. The hearing shall be  
16           held within thirty days of the revocation or denial. The  
17           proceeding shall be 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 person is overturned  
4 upon appeal, the revocation or denial ordered pursuant to this  
5 section shall automatically cease. Nothing in this subsection  
6 shall prohibit the director from pursuing disciplinary action  
7 based on any cause other than the overturned conviction.

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

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

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

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

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



1        "§451A-        Revocation of license or denial of application  
2 to issue, renew, restore, or reinstate a license based on  
3 conviction as a registered sex offender; conditions.   (a)

4 Notwithstanding any law to the contrary, the director shall  
5 automatically revoke a license or deny an application to issue,  
6 renew, restore, or reinstate a license under either of the  
7 following circumstances:

8        (1) The person is convicted in any court in or outside of  
9        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 sexual offenses described in chapter  
13       846E; or

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

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



1       (c) Upon revocation of the license or denial of an  
2 application to issue, renew, restore, or reinstate the license,  
3 the person may file a written request for a hearing with the  
4 director within ten days of the notice. The hearing shall be  
5 held within thirty days of the revocation or denial. The  
6 proceeding shall be 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 person is overturned  
13 upon appeal, the revocation or denial ordered pursuant to this  
14 section shall automatically cease. Nothing in this subsection  
15 shall prohibit the director from pursuing disciplinary action  
16 based on any cause other than the overturned conviction.

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

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



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

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

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

11       "§451J-       Revocation of license or denial of application  
12      to issue, renew, restore, or reinstate a license based on  
13      conviction as a registered sex offender; conditions. (a)

14      Notwithstanding any law to the contrary, the director shall  
15      automatically revoke a license or deny an application to issue,  
16      renew, restore, or reinstate a license under either of the  
17      following circumstances:

18       (1) The person is convicted in any court in or outside of  
19       this State of any offense that, if committed or  
20       attempted in this State, based on the elements of the  
21       convicted offense, would have been punishable as one



1           or more of the sexual offenses described in chapter  
2           846E; or

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

6           (b) The director shall notify the person of the license  
7           revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,  
12           the person may file a written request for a hearing with the  
13           director within ten days of the notice. The hearing shall be  
14           held within thirty days of the revocation or denial. The  
15           proceeding shall be 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 person is overturned  
2 upon appeal, the revocation or denial ordered pursuant to this  
3 section shall automatically cease. Nothing in this subsection  
4 shall prohibit the director from pursuing disciplinary action  
5 based on any cause other than the overturned conviction.

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

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

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

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

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

20       "§452-       Revocation of license or permit or denial of  
21 application to issue, renew, restore, or reinstate a license or



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

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

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

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

19 (c) Upon revocation of the license or permit or denial of  
20 an application to issue, renew, restore, or reinstate the  
21 license or permit, the person may file a written request for a



1 hearing with the board within ten days of the notice. The  
2 hearing shall be held within thirty days of the revocation or  
3 denial. The proceeding shall be conducted in accordance with  
4 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 person is overturned  
11 upon appeal, the revocation or denial ordered pursuant to this  
12 section shall automatically cease. Nothing in this subsection  
13 shall prohibit the board from pursuing disciplinary action based  
14 on any cause other than the overturned conviction.

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

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

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



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

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

8       "§453-        Revocation of license or denial of application  
9       to issue, renew, restore, or reinstate a license based on  
10      conviction as a registered sex offender; conditions. (a)

11      Notwithstanding any law to the contrary, the board shall  
12      automatically revoke a license or deny an application to issue,  
13      renew, restore, or reinstate a license under either of the  
14      following circumstances:

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



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

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

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

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

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



1 shall prohibit the board from pursuing disciplinary action based  
2 on any cause other than the overturned 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 chapter 846E, regardless of  
9 whether the conviction has been appealed; and

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

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

17 "§453D- **Revocation of license or denial of application**  
18 **to issue, renew, restore, or reinstate a license based on**  
19 **conviction as a registered sex offender; conditions.** (a)

20 Notwithstanding any law to the contrary, the director shall  
21 automatically revoke a license or deny an application to issue,



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

3 (1) The person is convicted in any court in or outside of  
4 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 sexual offenses described in chapter  
8 846E; or

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

12 (b) The director shall notify the person of the license  
13 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,  
18 the person may file a written request for a hearing with the  
19 director within ten days of the notice. The hearing shall be  
20 held within thirty days of the revocation or denial. The  
21 proceeding shall 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 person is overturned  
7 upon appeal, the revocation or denial ordered pursuant to this  
8 section shall automatically cease. Nothing in this subsection  
9 shall prohibit the director from pursuing disciplinary action  
10 based on any cause other than the overturned conviction.

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

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

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

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



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

4 "§455- \_\_\_\_\_ **Revocation of license or denial of application**  
5 **to issue, renew, restore, or reinstate a license based on**  
6 **conviction as a registered sex offender; conditions.** (a)

7 Notwithstanding any law to the contrary, the board shall  
8 automatically revoke a license or deny an application to issue,  
9 renew, restore, or reinstate a license under either of the  
10 following circumstances:

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

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

20 (b) The board shall notify the person of the license  
21 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,  
5 the person may file a written request for a hearing with the  
6 board within ten days of the notice. The hearing shall be held  
7 within thirty days of the revocation or denial. The proceeding  
8 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 person is overturned  
15 upon appeal, the revocation or denial ordered pursuant to this  
16 section shall automatically cease. Nothing in this subsection  
17 shall prohibit the board from pursuing disciplinary action based  
18 on any 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 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 chapter 846E, regardless of  
5 whether the conviction has been appealed; and

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

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

13        "§457-        Revocation of license or permit or denial of  
14 application to issue, renew, restore, or reinstate a license or  
15 permit based on conviction as a registered sex offender;

16 conditions. (a) Notwithstanding any law to the contrary, the  
17 board shall automatically revoke a license or permit or deny an  
18 application to issue, renew, restore, or reinstate a license or  
19 permit under either of the following circumstances:

20        (1) The person is convicted in any court in or outside of  
21 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 sexual offenses described in chapter  
4 846E; or

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

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

12 (c) Upon revocation of the license or permit or denial of  
13 an application to issue, renew, restore, or reinstate the  
14 license or permit, the person may file a written request for a  
15 hearing with the board within ten days of the notice. The  
16 hearing shall be held within thirty days of the revocation or  
17 denial. The proceeding shall be conducted in accordance with  
18 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 person is overturned  
4 upon appeal, the revocation or denial ordered pursuant to this  
5 section shall automatically cease. Nothing in this subsection  
6 shall prohibit the board from pursuing disciplinary action based  
7 on any cause other than the overturned conviction.

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

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

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

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

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



1        "§457A-        Revocation of certification or denial of  
2 application to issue, renew, restore, or reinstate a  
3 certification based on conviction as a registered sex offender;  
4 conditions. (a) Notwithstanding any law to the contrary, the  
5 director shall automatically revoke a certification or deny an  
6 application to issue, renew, restore, or reinstate a  
7 certification under either of the following circumstances:  
8        (1) The person is convicted in any court in or outside of  
9        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 sexual offenses described in chapter  
13       846E; or  
14        (2) The person is required to register as a sex offender  
15       pursuant to chapter 846E, regardless of whether the  
16       related conviction has been appealed.  
17        (b) The director shall notify the person of the  
18 certification revocation or denial of application to issue,  
19 renew, restore, or reinstate the certification and of the right  
20 to elect to have a hearing as provided in subsection (c).



1        (c) Upon revocation of the certification or denial of an  
2 application to issue, renew, restore, or reinstate the  
3 certification, the person may file a written request for a  
4 hearing with the director within ten days of the notice. The  
5 hearing shall be held within thirty days of the revocation or  
6 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 person is overturned  
14 upon appeal, the revocation or denial ordered pursuant to this  
15 section shall automatically cease. Nothing in this subsection  
16 shall prohibit the director from pursuing disciplinary action  
17 based on any cause other than the overturned 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 certification of a person when:



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

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

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

11       "§457B-       Revocation of license or denial of application  
12      to issue, renew, restore, or reinstate a license based on  
13      conviction as a registered sex offender; conditions.   (a)

14      Notwithstanding any law to the contrary, the director shall  
15      automatically revoke a license or deny an application to issue,  
16      renew, restore, or reinstate a license under either of the  
17      following circumstances:

18       (1) The person is convicted in any court in or outside of  
19       this State of any offense that, if committed or  
20       attempted in this State, based on the elements of the  
21       convicted offense, would have been punishable as one



1           or more of the sexual offenses described in chapter  
2           846E; or

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

6           (b) The director shall notify the person of the license  
7           revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,  
12           the person may file a written request for a hearing with the  
13           director within ten days of the notice. The hearing shall be  
14           held within thirty days of the revocation or denial. The  
15           proceeding shall be 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 person is overturned  
2 upon appeal, the revocation or denial ordered pursuant to this  
3 section shall automatically cease. Nothing in this subsection  
4 shall prohibit the director from pursuing disciplinary action  
5 based on any cause other than the overturned conviction.

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

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

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

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

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

20       "§457G-       Revocation of license or denial of application  
21 to issue, renew, restore, or reinstate a license based on



1 conviction as a registered sex offender; conditions. (a)

2 Notwithstanding any law to the contrary, the director shall  
3 automatically revoke a license or deny an application to issue,  
4 renew, restore, or reinstate a license under either of the  
5 following circumstances:

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

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

15 (b) The director shall notify the person of the license  
16 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,  
21 the person may file a written request for a hearing with the



1 director within ten days of the notice. The hearing shall be  
2 held within thirty days of the revocation or denial. The  
3 proceeding shall be 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 person is overturned  
10 upon appeal, the revocation or denial ordered pursuant to this  
11 section shall automatically cease. Nothing in this subsection  
12 shall prohibit the director from pursuing disciplinary action  
13 based on any cause other than the overturned 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 chapter 846E, regardless of  
20 whether the conviction has been appealed; and



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

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

8       "§457J-       Revocation of license or denial of application  
9       to issue, renew, restore, or reinstate a license based on  
10       conviction as a registered sex offender; conditions. (a)

11       Notwithstanding any law to the contrary, the director shall  
12       automatically revoke a license or deny an application to issue,  
13       renew, restore, or reinstate a license under either of the  
14       following circumstances:

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



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

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

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

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

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



1 shall prohibit the director from pursuing disciplinary action  
2 based on any cause other than the overturned 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 license of a person when:

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

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

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

17 **"§458- Revocation of license or denial of application**  
18 **to issue, renew, restore, or reinstate a license based on**  
19 **conviction as a registered sex offender; conditions. (a)**

20 Notwithstanding any law to the contrary, the director of  
21 commerce and consumer affairs shall automatically revoke a



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

3       (1) The person is convicted in any court in or outside of  
4       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 sexual offenses described in chapter  
8       846E; or

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

12       (b) The director of commerce and consumer affairs shall  
13 notify the person of the license revocation or denial of  
14 application to issue, renew, restore, or reinstate the license  
15 and of the right to elect to have a hearing as provided in  
16 subsection (c).

17       (c) Upon revocation of the license or denial of an  
18 application to issue, renew, restore, or reinstate the license,  
19 the person may file a written request for a hearing with the  
20 director of commerce and consumer affairs within ten days of the  
21 notice. The hearing shall be held within thirty days of the



1 revocation or denial. The proceeding shall be conducted in  
2 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 person is overturned  
9 upon appeal, the revocation or denial ordered pursuant to this  
10 section shall automatically cease. Nothing in this subsection  
11 shall prohibit the director of commerce and consumer affairs  
12 from pursuing disciplinary action based on any cause other than  
13 the overturned 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 of commerce and consumer affairs shall  
17 not restore, renew, or otherwise reinstate the license of a  
18 person when:

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



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

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

8       "§459-        Revocation of license or denial of application  
9       to issue, renew, restore, or reinstate a license based on  
10      conviction as a registered sex offender; conditions. (a)

11      Notwithstanding any law to the contrary, the board shall  
12      automatically revoke a license or deny an application to issue,  
13      renew, restore, or reinstate a license under either of the  
14      following circumstances:

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



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

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

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

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

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



1 shall prohibit the board from pursuing disciplinary action based  
2 on any cause other than the overturned 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 chapter 846E, regardless of  
9 whether the conviction has been appealed; and

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

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

17 "§461- Revocation of license or permit or denial of  
18 application to issue, renew, restore, or reinstate a license or  
19 permit based on conviction as a registered sex offender;  
20 conditions. (a) Notwithstanding any law to the contrary, the

21 board shall automatically revoke a license or permit or deny an



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

3       (1) The person is convicted in any court in or outside of  
4       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 sexual offenses described in chapter  
8       846E; or

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

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

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



1 denial. The proceeding shall be conducted in accordance with  
2 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 person is overturned  
9 upon appeal, the revocation or denial ordered pursuant to this  
10 section shall automatically cease. Nothing in this subsection  
11 shall prohibit the board from pursuing disciplinary action based  
12 on any cause other than the overturned conviction.

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

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

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

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



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

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

6           "§461J-           Revocation of license or denial of application  
7 to issue, renew, restore, or reinstate a license based on  
8 conviction as a registered sex offender; conditions. (a)

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

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

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



1       (b) The board shall notify the person of the license  
2 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,  
7 the person may file a written request for a hearing with the  
8 board within ten days of the notice. The hearing shall be held  
9 within thirty days of the revocation or denial. The proceeding  
10 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 person is overturned  
17 upon appeal, the revocation or denial ordered pursuant to this  
18 section shall automatically cease. Nothing in this subsection  
19 shall prohibit the board from pursuing disciplinary action based  
20 on any cause other than the overturned 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 chapter 846E, regardless of  
7 whether the conviction has been appealed; and

8       (2) The victim of the covered sexual offense was a patient  
9 or client, or a former patient or client, if the  
10 relationship was terminated primarily for the purpose  
11 of committing the covered sexual 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 issue, renew, restore, or reinstate a license based on**  
17 **conviction as a registered sex offender; conditions.** (a)  
18 Notwithstanding any law to the contrary, the board shall  
19 automatically revoke a license or deny an application to issue,  
20 renew, restore, or reinstate a license under either of the  
21 following circumstances:



1       (1) The person is convicted in any court in or outside of  
2       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 sexual offenses described in chapter  
6       846E; or

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

10       (b) The board shall notify the person of the license  
11       revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,  
16       the person may file a written request for a hearing with the  
17       board within ten days of the notice. The hearing shall be held  
18       within thirty days of the revocation or denial. The proceeding  
19       shall be 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 person is overturned  
5 upon appeal, the revocation or denial ordered pursuant to this  
6 section shall automatically cease. Nothing in this subsection  
7 shall prohibit the board from pursuing disciplinary action based  
8 on any cause other than the overturned 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 chapter 846E, regardless of  
15 whether the conviction has been appealed; and

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



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

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

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

20 (b) The board shall notify the person of the license or  
21 permit revocation or denial of application to issue, renew,



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

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

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

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

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

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

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

13        "§465D-        **Revocation of license or denial of application**  
14 to issue, renew, restore, or reinstate a license based on  
15 conviction as a registered sex offender; conditions. (a)

16 Notwithstanding any law to the contrary, the director shall  
17 automatically revoke a license or deny an application to issue,  
18 renew, restore, or reinstate a license under either of the  
19 following circumstances:

20        (1) The person is convicted in any court in or outside of  
21 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 sexual offenses described in chapter  
4           846E; or

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

8           (b) The director shall notify the person of the license  
9           revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,  
14          the person may file a written request for a hearing with the  
15          director within ten days of the notice. The hearing shall be  
16          held within thirty days of the revocation or denial. The  
17          proceeding shall be 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 person is overturned  
4 upon appeal, the revocation or denial ordered pursuant to this  
5 section shall automatically cease. Nothing in this subsection  
6 shall prohibit the director from pursuing disciplinary action  
7 based on any cause other than the overturned conviction.

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

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

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

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

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



1        "§466D-        Revocation of license or denial of application  
2 to issue, renew, restore, or reinstate a license based on  
3 conviction as a registered sex offender; conditions. (a)

4 Notwithstanding any law to the contrary, the director shall  
5 automatically revoke a license or deny an application to issue,  
6 renew, restore, or reinstate a license under either of the  
7 following circumstances:

8        (1) The person is convicted in any court in or outside of  
9        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 sexual offenses described in chapter  
13       846E; or

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

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



1       (c) Upon revocation of the license or denial of an  
2 application to issue, renew, restore, or reinstate the license,  
3 the person may file a written request for a hearing with the  
4 director within ten days of the notice. The hearing shall be  
5 held within thirty days of the revocation or denial. The  
6 proceeding shall be 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 person is overturned  
13 upon appeal, the revocation or denial ordered pursuant to this  
14 section shall automatically cease. Nothing in this subsection  
15 shall prohibit the director from pursuing disciplinary action  
16 based on any cause other than the overturned conviction.

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

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



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

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

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

11       "§467E-       Revocation of license or denial of application  
12      to issue, renew, restore, or reinstate a license based on  
13      conviction as a registered sex offender; conditions. (a)

14      Notwithstanding any law to the contrary, the director shall  
15      automatically revoke a license or deny an application to issue,  
16      renew, restore, or reinstate a license under either of the  
17      following circumstances:

18       (1) The person is convicted in any court in or outside of  
19       this State of any offense that, if committed or  
20       attempted in this State, based on the elements of the  
21       convicted offense, would have been punishable as one



1           or more of the sexual offenses described in chapter  
2           846E; or

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

6           (b) The director shall notify the person of the license  
7           revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,  
12          the person may file a written request for a hearing with the  
13          director within ten days of the notice. The hearing shall be  
14          held within thirty days of the revocation or denial. The  
15          proceeding shall be 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 person is overturned  
2 upon appeal, the revocation or denial ordered pursuant to this  
3 section shall automatically cease. Nothing in this subsection  
4 shall prohibit the director from pursuing disciplinary action  
5 based on any cause other than the overturned conviction.

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

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

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

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

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

20       "§468E-       Revocation of license or denial of application  
21 to issue, renew, restore, or reinstate a license based on



1 conviction as a registered sex offender; conditions. (a)

2 Notwithstanding any law to the contrary, the board shall  
3 automatically revoke a license or deny an application to issue,  
4 renew, restore, or reinstate a license under either of the  
5 following circumstances:

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

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

15 (b) The board shall notify the person of the license  
16 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,  
21 the person may file a written request for a hearing with the



1 board within ten days of the notice. The hearing shall be held  
2 within thirty days of the revocation or denial. The proceeding  
3 shall be 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 person is overturned  
10 upon appeal, the revocation or denial ordered pursuant to this  
11 section shall automatically cease. Nothing in this subsection  
12 shall prohibit the board from pursuing disciplinary action based  
13 on any cause other than the overturned 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 chapter 846E, regardless of  
20 whether the conviction has been appealed; and



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

5        SECTION 30. This Act does not affect rights and duties  
6 that matured, penalties that were incurred, and proceedings that  
7 were begun before its effective date.

8        SECTION 31. New statutory material is underscored.

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



**Report Title:**

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

**Description:**

Requires the Director of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to issue, renew, restore, or reinstate the professional licenses, registrations, certifications, or permits of registered sex offenders. Effective 7/1/3000. (HD2)

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

