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

10           Accordingly, the purpose of this Act is to:

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



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

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

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

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

19 **"§436E- Revocation of license or denial of application**  
20 **to renew, restore, or reinstate a license based on conviction as**  
21 **a registered sex offender; conditions.** (a) Notwithstanding any



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

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

10       (2) The licensee has been required to register as a sex  
11       offender 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 license holder 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 under any of the following  
18 circumstances:

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 person engaged in the offense with a patient or  
4 client, or with a former patient or client if the  
5 relationship was terminated primarily for the purpose  
6 of committing the 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 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 director 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 has been convicted in any court in or  
17 outside of this State of any offense that, if  
18 committed or attempted in this State, based on the  
19 elements of the convicted offense, would have been  
20 punishable as one or more of the offenses described in  
21 chapter 846E; or



1        (2) The licensee has been 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 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 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 license holder 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 license of a person under any of the following  
9 circumstances:

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

14 (2) The person engaged in the offense with a patient or  
15 client, or with a former patient or client if the  
16 relationship was terminated primarily for the purpose  
17 of committing the offense."

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



1           "§439A-     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 has been convicted in any court in or  
8           outside of this State of any offense that, if  
9           committed or attempted in this State, based on the  
10           elements of the convicted offense, would have been  
11           punishable as one or more of the offenses described in  
12           chapter 846E; or

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

17           (b) The board shall notify the licensee of the license  
18 revocation or denial of application to 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 renew, restore, or reinstate, the licensee may  
3 file a written request for a hearing with the board within ten  
4 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 license holder 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 board 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.



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

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

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

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

15           "**§442-     Revocation of license or denial of application to**  
16 **renew, restore, or reinstate a license based on conviction as a**  
17 **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 has been convicted in any court in or  
2        outside of this State of any offense that, if  
3        committed or attempted in this State, based on the  
4        elements of the convicted offense, would have been  
5        punishable as one or more of the offenses described in  
6        chapter 846E; or
- 7        (2) The licensee has been required to register as a sex  
8        offender pursuant to the requirements of chapter 846E,  
9        regardless of whether the related conviction has been  
10       appealed.
- 11       (b) The board shall notify the licensee of the license  
12       revocation or denial of application to renew, restore, or  
13       reinstate the license and of the right to elect to have a  
14       hearing as provided in subsection (c).
- 15       (c) Upon revocation of the license or denial of an  
16       application to renew, restore, or reinstate, the licensee may  
17       file a written request for a hearing with the licensing  
18       authority within ten days of the notice. The hearing shall be  
19       held within thirty days of the revocation or denial. The  
20       proceeding shall be conducted in accordance with chapter 91.



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

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

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

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

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



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

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

8        "§447- Revocation of license or denial of application to  
9        renew, restore, or reinstate a license based on conviction as a  
10       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 has been convicted in any court in or  
15       outside of this State of any offense that, if  
16       committed or attempted in this State, based on the  
17       elements of the convicted offense, would have been  
18       punishable as one or more of the offenses described in  
19       chapter 846E; or

20       (2) The licensee has been required to register as a sex  
21       offender 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 license holder 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 under any of the following  
7 circumstances:

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

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

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

19 **"§448- Revocation of license or denial of application to**  
20 **renew, restore, or reinstate a license based on conviction as a**  
21 **registered sex offender; conditions.** (a) Notwithstanding any



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

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

10 (2) The licensee has been required to register as a sex  
11 offender 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 license holder 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 under any of the following  
18 circumstances:

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 person engaged in the offense with a patient or  
4           client, or with a former patient or client if the  
5           relationship was terminated primarily for the purpose  
6           of committing the offense."

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

10           "~~§448F-~~    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 director 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 has been convicted in any court in or  
17           outside of this State of any offense that, if  
18           committed or attempted in this State, based on the  
19           elements of the convicted offense, would have been  
20           punishable as one or more of the offenses described in  
21           chapter 846E; or



1       (2) The licensee has been 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 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 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 license holder 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 license of a person under any of the following  
9 circumstances:

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

14 (2) The person engaged in the offense with a patient or  
15 client, or with a former patient or client if the  
16 relationship was terminated primarily for the purpose  
17 of committing the offense."

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



1           "§451A-       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 has been convicted in any court in or  
8           outside of this State of any offense that, if  
9           committed or attempted in this State, based on the  
10           elements of the convicted offense, would have been  
11           punishable as one or more of the offenses described in  
12           chapter 846E; or

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

17           (b) The director shall notify the licensee of the license  
18 revocation or denial of application to 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 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 license holder 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.



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

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

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

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

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



- 1        (1) The licensee has been convicted in any court in or  
2        outside of this State of any offense that, if  
3        committed or attempted in this State, based on the  
4        elements of the convicted offense, would have been  
5        punishable as one or more of the offenses described in  
6        chapter 846E; or
- 7        (2) The licensee has been required to register as a sex  
8        offender pursuant to the provisions of chapter 846E,  
9        regardless of whether the related conviction has been  
10       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 license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the 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 under any of the following  
16 circumstances:

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



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

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

8            "§452- Revocation of license or denial of application to  
 9 renew, restore, or reinstate a license based on conviction as a  
 10 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 has been convicted in any court in or  
 15                    outside of this State of any offense that, if  
 16                    committed or attempted in this State, based on the  
 17                    elements of the convicted offense, would have been  
 18                    punishable as one or more of the offenses described in  
 19                    chapter 846E; or

20            (2) The licensee has been required to register as a sex  
 21                    offender 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 license holder 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 under any of the following  
7 circumstances:

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

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

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

19 **"§453- Revocation of license or denial of application to**  
20 **renew, restore, or reinstate a license based on conviction as a**  
21 **registered sex offender; conditions. (a) Notwithstanding any**



1 law to the contrary, the Hawaii medical board shall  
2 automatically revoke a license or deny an application to renew,  
3 restore, or reinstate a license under either of the following  
4 circumstances:

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

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

15 (b) The board 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 board within ten



1 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 license holder 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 board 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 board shall not restore, renew, or otherwise  
18 reinstate the license of a person under any of the following  
19 circumstances:

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 person engaged in the offense with a patient or  
4 client, or with a former patient or client if the  
5 relationship was terminated primarily for the purpose  
6 of committing the offense."

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

10 **"§453D- 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 director 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 has been convicted in any court in or  
17 outside of this State of any offense that, if  
18 committed or attempted in this State, based on the  
19 elements of the convicted offense, would have been  
20 punishable as one or more of the offenses described in  
21 chapter 846E; or



1       (2) The licensee has been 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 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 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 license holder 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 license of a person under any of the following  
9 circumstances:

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

14 (2) The person engaged in the offense with a patient or  
15 client, or with a former patient or client if the  
16 relationship was terminated primarily for the purpose  
17 of committing the offense."

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



1           "§455-    Revocation of license or denial of application to  
2 renew, restore, or reinstate a license based on conviction as a  
3 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 has been convicted in any court in or  
8           outside of this State of any offense that, if  
9           committed or attempted in this State, based on the  
10           elements of the convicted offense, would have been  
11           punishable as one or more of the offenses described in  
12           chapter 846E; or

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

17           (b) The board shall notify the licensee of the license  
18 revocation or denial of application to 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 renew, restore, or reinstate, the licensee may  
3 file a written request for a hearing with the board within ten  
4 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 license holder 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 board 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.



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

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

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

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

15        **"§457-        Revocation of license or denial of application to**  
16 **renew, restore, or reinstate a license based on conviction as a**  
17 **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 has been convicted in any court in or  
2       outside of this State of any offense that, if  
3       committed or attempted in this State, based on the  
4       elements of the convicted offense, would have been  
5       punishable as one or more of the offenses described in  
6       chapter 846E; or

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

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

15       (c) Upon revocation of the license or denial of an  
16       application to renew, restore, or reinstate, the licensee may  
17       file a written request for a hearing with the board within ten  
18       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 license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the board from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

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

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

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



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

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

8       "§457A- 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 director 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 has been convicted in any court in or  
15       outside of this State of any offense that, if  
16       committed or attempted in this State, based on the  
17       elements of the convicted offense, would have been  
18       punishable as one or more of the offenses described in  
19       chapter 846E; or

20       (2) The licensee has been required to register as a sex  
21       offender pursuant to the provisions of chapter 846E,



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

3           (b) The director 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 director within  
10          ten 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 license holder 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 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 license of a person under any of the following  
7 circumstances:

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

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

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

19 **"§457B- Revocation of license or denial of application**  
20 **to renew, restore, or reinstate a license based on conviction as**  
21 **a registered sex offender; conditions.** (a) Notwithstanding any



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

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

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

14       (b) The director 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 director within  
21 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 license holder 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 under any of the following  
18 circumstances:

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 person engaged in the offense with a patient or  
 4           client, or with a former patient or client if the  
 5           relationship was terminated primarily for the purpose  
 6           of committing the offense."

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

10           "§457G-    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 director 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 has been convicted in any court in or  
 17           outside of this State of any offense that, if  
 18           committed or attempted in this State, based on the  
 19           elements of the convicted offense, would have been  
 20           punishable as one or more of the offenses described in  
 21           chapter 846E; or



1       (2) The licensee has been 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 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 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 license holder 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 license of a person under any of the following  
9 circumstances:

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

14 (2) The person engaged in the offense with a patient or  
15 client, or with a former patient or client if the  
16 relationship was terminated primarily for the purpose  
17 of committing the offense."

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



1           "§457J-      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 has been convicted in any court in or  
8 outside of this State of any offense that, if  
9 committed or attempted in this State, based on the  
10 elements of the convicted offense, would have been  
11 punishable as one or more of the offenses described in  
12 chapter 846E; or

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

17           (b) The director shall notify the licensee of the license  
18 revocation or denial of application to 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 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 license holder 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.



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

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

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

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

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



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

7       (2) The licensee has been required to register as a sex  
8       offender pursuant to the provisions of chapter 846E,  
9       regardless of whether the related conviction has been  
10      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 license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the 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 under any of the following  
16 circumstances:

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



1       (2) The person engaged in the offense with a patient or  
2       client, or with a former patient or client if the  
3       relationship was terminated primarily for the purpose  
4       of committing the 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 to  
9       renew, restore, or reinstate a license based on conviction as a  
10      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 has been convicted in any court in or  
15      outside of this State of any offense that, if  
16      committed or attempted in this State, based on the  
17      elements of the convicted offense, would have been  
18      punishable as one or more of the offenses described in  
19      chapter 846E; or

20      (2) The licensee has been required to register as a sex  
21      offender 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 license holder 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 under any of the following  
7 circumstances:

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

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

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

19 **"§461- Revocation of license or denial of application to**  
20 **renew, restore, or reinstate a license based on conviction as a**  
21 **registered sex offender; conditions. (a) Notwithstanding any**



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

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

10       (2) The licensee has been required to register as a sex  
11 offender 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 license holder 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 under any of the following  
18 circumstances:

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 person engaged in the offense with a patient or  
4 client, or with a former patient or client if the  
5 relationship was terminated primarily for the purpose  
6 of committing the offense."

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

10 **"§461J- 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 has been convicted in any court in or  
17 outside of this State of any offense that, if  
18 committed or attempted in this State, based on the  
19 elements of the convicted offense, would have been  
20 punishable as one or more of the offenses described in  
21 chapter 846E; or



1       (2) The licensee has been required to register as a sex  
2       offender 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 license holder 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 under any of the following  
9 circumstances:

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

14 (2) The person engaged in the offense with a patient or  
15 client, or with a former patient or client if the  
16 relationship was terminated primarily for the purpose  
17 of committing the offense."

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



1        "§463E-    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 has been convicted in any court in or  
8        outside of this State of any offense that, if  
9        committed or attempted in this State, based on the  
10       elements of the convicted offense, would have been  
11       punishable as one or more of the offenses described in  
12       chapter 846E; or

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

17       (b) The board shall notify the licensee of the license  
18 revocation or denial of application to 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 renew, restore, or reinstate, the licensee may  
3 file a written request for a hearing with the board within ten  
4 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 license holder 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 board 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.



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

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

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

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

15        **"§465-    Revocation of license or denial of application to**  
16 **renew, restore, or reinstate a license based on conviction as a**  
17 **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 has been convicted in any court in or  
2       outside of this State of any offense that, if  
3       committed or attempted in this State, based on the  
4       elements of the convicted offense, would have been  
5       punishable as one or more of the offenses described in  
6       chapter 846E; or

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

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

15      (c) Upon revocation of the license or denial of an  
16      application to renew, restore, or reinstate, the licensee may  
17      file a written request for a hearing with the board within ten  
18      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 license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the board from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

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

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

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



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

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

8       "§465D-     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 director 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 has been convicted in any court in or  
15       outside of this State of any offense that, if  
16       committed or attempted in this State, based on the  
17       elements of the convicted offense, would have been  
18       punishable as one or more of the offenses described in  
19       chapter 846E; or

20       (2) The licensee has been required to register as a sex  
21       offender pursuant to the provisions of chapter 846E,



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

3           (b) The director 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 director within  
10          ten 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 license holder 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 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 license of a person under any of the following  
7 circumstances:

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

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

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

19 **"§466D- Revocation of license or denial of application**  
20 **to renew, restore, or reinstate a license based on conviction as**  
21 **a registered sex offender; conditions.** (a) Notwithstanding any



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

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

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

14       (b) The director 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 director within  
21 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 license holder 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 under any of the following  
18 circumstances:

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 person engaged in the offense with a patient or  
4 client, or with a former patient or client if the  
5 relationship was terminated primarily for the purpose  
6 of committing the offense."

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

10 **"§467E- 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 director 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 has been convicted in any court in or  
17 outside of this State of any offense that, if  
18 committed or attempted in this State, based on the  
19 elements of the convicted offense, would have been  
20 punishable as one or more of the offenses described in  
21 chapter 846E; or



1       (2) The licensee has been 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 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 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 license holder 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 license of a person under any of the following  
9 circumstances:

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

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



1        "§468E-    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 has been convicted in any court in or  
8 outside of this State of any offense that, if  
9 committed or attempted in this State, based on the  
10 elements of the convicted offense, would have been  
11 punishable as one or more of the offenses described in  
12 chapter 846E; or

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

17        (b) The board shall notify the licensee of the license  
18 revocation or denial of application to 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 renew, restore, or reinstate, the licensee may  
3 file a written request for a hearing with the board within ten  
4 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 license holder 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 board 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.



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

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

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

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

15       SECTION 31. New statutory material is underscored.

16       SECTION 32. This Act shall take effect on July 1, 2050.



S.B. NO. 1373  
S.D. 1

**Report Title:**

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

**Description:**

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders. Effective 7/1/2050. (SD1)

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

