
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 department of commerce and consumer
12 affairs and certain licensing boards to automatically
13 revoke and deny the renewal, restoration, or
14 reinstatement of a license to a licensee who is a
15 registered sex offender;

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



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

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

6 "§436E- Revocation of license or denial of application
7 to renew, restore, or reinstate a license based on conviction
8 requiring registration as a sex offender; conditions. (a)

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

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

19 (2) The licensee has been required to register as a sex
20 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 3. Chapter 436H, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§436H- Revocation of license or denial of application
20 to renew, restore, or reinstate a license based on conviction
21 requiring registration as a sex offender; conditions. (a)



1 Notwithstanding any law to the contrary, the director 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 provisions of chapter 846E,
13 regardless of whether the related conviction has been
14 appealed.

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

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



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

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

9 (e) If the related conviction of the 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 director from pursuing
13 disciplinary action based on any cause other than the overturned
14 conviction.

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

17 (g) The director shall not restore, renew, or otherwise
18 reinstate the license of a person 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 4. Chapter 439A, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 **"§439A- Revocation of license or denial of application**
11 **to renew, restore, or reinstate a license based on conviction**
12 **requiring registration as a sex offender; conditions.** (a)

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

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



1 punishable as one or more of the offenses described in
2 chapter 846E; or

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

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

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

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



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

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

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

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

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



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

4 "§442- Revocation of license or denial of application to
5 renew, restore, or reinstate a license based on conviction
6 requiring registration as a sex offender; conditions. (a)

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

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



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

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

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

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



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

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

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

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

14 SECTION 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 to
18 renew, restore, or reinstate a license based on conviction
19 requiring registration as a 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 renew, restore, or reinstate a license under either of the
2 following circumstances:

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

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

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

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



1 thirty days of the revocation or denial. The proceeding shall
2 be 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 of dentistry from
12 pursuing disciplinary action based on any cause other than the
13 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 of dentistry shall not restore, renew, or
17 otherwise reinstate the license of a person under any of the
18 following 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 7. Chapter 448, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 **"§448- Revocation of license or denial of application to**
11 **renew, restore, or reinstate a license based on conviction**
12 **requiring registration as a sex offender; conditions. (a)**

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

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



1 punishable as one or more of the offenses described in
2 chapter 846E; or

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

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

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

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



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

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

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

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

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



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

4 "§448F- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction
6 requiring registration as a sex offender; conditions. (a)

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

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

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



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

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

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

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



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

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

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

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

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

17 **"§451A- Revocation of license or denial of application**
18 **to renew, restore, or reinstate a license based on conviction**
19 **requiring registration as a sex offender; conditions. (a)**

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



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

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

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

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

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



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

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

8 (e) If the related conviction of the 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 10. Chapter 451J, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 **"§451J- Revocation of license or denial of application**
11 **to renew, restore, or reinstate a license based on conviction**
12 **requiring registration as a sex offender; conditions.** (a)

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

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



1 punishable as one or more of the offenses described in
2 chapter 846E; or

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

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

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

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



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

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

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

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

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



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

4 "§452- Revocation of license or denial of application to
5 renew, restore, or reinstate a license based on conviction
6 requiring registration as a sex offender; conditions. (a)

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

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

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



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

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

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

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



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

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

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

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

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

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

20 Notwithstanding any law to the contrary, the Hawaii medical
21 board shall automatically revoke a license or deny an



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

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

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

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

17 (c) Upon revocation of the license or denial of an
18 application to renew, restore, or reinstate, the licensee may
19 file a written request for a hearing with the board within ten
20 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 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**
 12 **requiring registration as a sex offender; conditions. (a)**

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

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



1 punishable as one or more of the offenses described in
2 chapter 846E; or

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

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

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

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



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

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

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

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

16 (2) The person engaged in the offense with a patient or
17 client, or with a former patient or client if the
18 relationship was terminated primarily for the purpose
19 of committing the 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 to
5 renew, restore, or reinstate a license based on conviction
6 requiring registration as a sex offender; conditions. (a)

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

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

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



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

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

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

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



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

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

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

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

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

17 "§457- Revocation of license or denial of application to
18 renew, restore, or reinstate a license based on conviction
19 requiring registration as a sex offender; conditions. (a)

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



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

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

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

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

17 (c) Upon revocation of the license or denial of an
18 application to renew, restore, or reinstate, the licensee may
19 file a written request for a hearing with the board within ten
20 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 16. Chapter 457A, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 **"§457A- Revocation of license or denial of application**
11 **to renew, restore, or reinstate a license based on conviction**
12 **requiring registration as a sex offender; conditions.** (a)

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

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



1 punishable as one or more of the offenses described in
2 chapter 846E; or

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

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

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

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



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

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

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

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

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



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

4 "§457B- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction
6 requiring registration as a sex offender; conditions. (a)

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

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

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



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

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

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

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



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

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

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

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

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

17 **"§457G- Revocation of license or denial of application**
18 **to renew, restore, or reinstate a license based on conviction**
19 **requiring registration as a sex offender; conditions. (a)**

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



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

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

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

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

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



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

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

8 (e) If the related conviction of the 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 19. Chapter 457J, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 **"§457J- Revocation of license or denial of application**
11 **to renew, restore, or reinstate a license based on conviction**
12 **requiring registration as a sex offender; conditions.** (a)

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

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



1 punishable as one or more of the offenses described in
2 chapter 846E; or

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

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

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

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



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

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

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

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

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



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

4 "§458- Revocation of license or denial of application to
5 renew, restore, or reinstate a license based on conviction
6 requiring registration as a sex offender; conditions. (a)

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

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

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



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

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



1 consumer affairs from pursuing disciplinary action based on any
2 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 of commerce and consumer affairs shall
6 not restore, renew, or otherwise reinstate the license of a
7 person under any of the following 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 21. Chapter 459, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 **"§459- Revocation of license or denial of application to**
20 **renew, restore, or reinstate a license based on conviction**
21 **requiring registration as a sex offender; conditions. (a)**



1 Notwithstanding any law to the contrary, the 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 22. Chapter 461, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 **"§461- Revocation of license or denial of application to**
11 **renew, restore, or reinstate a license based on conviction**
12 **requiring registration as a sex offender; conditions. (a)**
13 Notwithstanding any law to the contrary, the board shall
14 automatically revoke a license or deny an application to renew,
15 restore, or reinstate a license under either of the following
16 circumstances:

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



1 punishable as one or more of the offenses described in
2 chapter 846E; or

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

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

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

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



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

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

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

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

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



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

4 "§461J- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction
6 requiring registration as a sex offender; conditions. (a)

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

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

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



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

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

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

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



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

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

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

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

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

17 "§463E- Revocation of license or denial of application
18 to renew, restore, or reinstate a license based on conviction
19 requiring registration as a sex offender; conditions. (a)

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



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

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

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

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

17 (c) Upon revocation of the license or denial of an
18 application to renew, restore, or reinstate, the licensee may
19 file a written request for a hearing with the board within ten
20 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 25. Chapter 465, Hawaii Revised Statutes, is
8 amended by adding a new section to be appropriately designated
9 and to read as follows:

10 **"§465- Revocation of license or denial of application to**
11 **renew, restore, or reinstate a license based on conviction**
12 **requiring registration as a sex offender; conditions. (a)**

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

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



1 punishable as one or more of the offenses described in
2 chapter 846E; or

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

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

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

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



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

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

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

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

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



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

4 "§465D- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction
6 requiring registration as a sex offender; conditions. (a)

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

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

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



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

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

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

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



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

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

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

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

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

17 "§466D- Revocation of license or denial of application
18 to renew, restore, or reinstate a license based on conviction
19 requiring registration as a sex offender; conditions. (a)

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



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

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

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

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

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



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

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

8 (e) If the related conviction of the 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**
12 **requiring registration as a sex offender; conditions. (a)**

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

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



1 punishable as one or more of the offenses described in
2 chapter 846E; or

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

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

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

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



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

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

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

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

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



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

4 "§468E- Revocation of license or denial of application
5 to renew, restore, or reinstate a license based on conviction
6 requiring registration as a sex offender; conditions. (a)

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

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

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



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

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

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

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



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

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

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

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

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

17 SECTION 31. New statutory material is underscored.

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



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. (SD2)

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

