

Honolulu, Hawaii

MAR 21 2025

RE: H.B. No. 359
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred H.B. No. 359, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO COVERED OFFENDER
REGISTRATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend covered offender registration laws by expanding the definition of "sexual offense" to include additional sexual offenses from the Penal Code;
- (2) Provide that the exception to public access requirements for misdemeanors does not apply when the covered offense was committed against a minor;
- (3) Require a person who is required to report every year under the covered offender registration requirements to report during the thirty-day period following the offender's birthday, rather than from the offender's actual date of birth; and
- (4) Specify how certain covered offenses are to be tiered for purposes of seeking termination of registration requirements.



Your Committee received testimony in support of this measure from the Department of the Attorney General, Crime Victim Compensation Commission, Hawaii State Commission on the Status of Women, Honolulu Police Department, and Sex Abuse Treatment Center at Kapi'olani Medical Center for Women & Children.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that the Legislature created the Hawaii sex offender registry to protect local communities by providing the public with relevant information about the presence of convicted sex offenders. However, existing law has certain gaps in the protection it affords. For example, offenders who commit the offense of sexual assault in the fourth degree against certain minors while acting in a position of trust and power are not required to publicly disclose registration information. These loopholes allow these offenders to evade public detention and puts communities at further risk. This measure will close these loopholes, thereby improving public safety by reducing sex offender access to minors.

Your Committee notes that the overwhelming number of offenders of sexual assault are males, and studies have established that the male brain does not finish developing until age thirty. Your Committee further notes that the offense this measure addresses could potentially force an individual as young as twenty-one years of age to register on the sex offender registry. Your Committee believes that placing an offender as young as twenty-one years old on the registry will likely subject the individual to a life-long stigma, increase difficulty in finding housing and employment, and may result in harassment and social isolation. Given the data supporting delayed brain development, your Committee believes that the offense of sexual assault in the fourth degree should be amended to exclude individuals under the age of twenty-four years in certain circumstances.

Accordingly, your Committee has amended this measure by:

- (1) Inserting language amending the offense of sexual assault in the fourth degree to exclude a person who

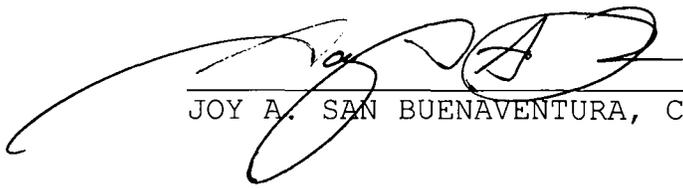


knowingly engages in or causes sexual contact with a minor who is at least sixteen years old and the person is contemporaneously acting in a professional capacity to instruct, advise, or supervise the minor, if the person is younger than twenty-four years of age at the time of the offense;

- (2) Amending section 1 to reflect its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 359, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 359, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:* HB 359, HD2	Committee Referral: HHS, JDC	Date: 3/17/25
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	/			
AQUINO, Henry J.C. (VC)	/			
HASHIMOTO, Troy N.	/			
KEOHOKALOLE, Jarrett	/			
FEVELLA, Kurt	/			
TOTAL	5			

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:

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*Only one measure per Record of Votes