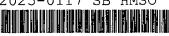
JAN 1 7 2025

A BILL FOR AN ACT

RELATING TO COVERED OFFENDER REGISTRATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. The legislature finds that sex offenders
- 2 present an extreme threat to public safety due to high rates of
- 3 sexual recidivism. To mitigate this threat, Hawaii established
- 4 covered offender registration laws to require the public release
- 5 of relevant information concerning the presence of convicted sex
- 6 offenders in the community.
- 7 The legislature further finds that there are certain gaps
- 8 under the current registration laws for offenses committed
- 9 against minors. For example, the public disclosure of
- 10 registration information is not required for an offender who,
- 11 while acting in a professional capacity, commits the offense of
- 12 sexual assault in the fourth degree against a minor who is at
- 13 least sixteen. This omission would allow these sex offenders -
- 14 who abused their position of trust, power, authority, or
- 15 supervision to engage in sexual contact with a minor to evade
- 16 public detection and continue to prey upon children in the
- 17 community.



1	Accordingly, the purpose of this Act is to amend the						
2	covered c	ffender registration laws to:					
3	(1)	Include offenders who, while acting in a professional					
4		capacity, commit the offense of sexual assault in the					
5		fourth degree against a minor who is at least sixteen					
6		years old; and					
7	(2)	Require public disclosure for covered offenses that					
8		are committed against minors, regardless of whether					
9		the conviction was for a first-time misdemeanor					
10		offense.					
11	SECT	SECTION 2. Section 846E-1, Hawaii Revised Statutes, is					
12	amended by amending the definition of "sexual offense" to read						
13	as follows:						
14	""Sexual offense" means an offense that is:						
15	(1)	Set forth in section 707-730(1), 707-731(1), 707-					
16		732(1), 707-733(1)(a)[7] and (d), 707-733.6, 712-					
17		1200.5(4), 712-1202(1), or 712-1203(1), but excludes					
18		conduct that is criminal only because of the age of					
19		the victim, as provided in section 707-730(1)(b)[$_{\tau}$] or					
20		[section] 707-732(1)(b), if the perpetrator is under					
21		the age of eighteen;					



1	(2)	An a	ict defined in section /0/-/20 if the charging				
2		docu	ment for the offense for which there has been a				
3		conv	viction alleged intent to subject the victim to a				
4		sexu	nal offense;				
5	(3)	An act that consists of:					
6		(A)	Criminal sexual conduct toward a minor, including				
7			but not limited to an offense set forth in				
8			section 707-759;				
9		(B)	Solicitation of a minor who is less than fourteen				
10			years old to engage in sexual conduct;				
11		(C)	Use of a minor in a sexual performance;				
12		(D)	Production, distribution, or possession of child				
13			pornography chargeable as a felony under section				
14			707-750, 707-751, or 707-752;				
15		(E)	Electronic enticement of a child chargeable under				
16			section 707-756 or 707-757 if the offense was				
17 ·			committed with the intent to promote or				
18			facilitate the commission of another covered				
19			offense as defined in this section; or				
20		(F)	Commercial sexual exploitation of a minor in				
21			violation of section 712-1209.1;				

Ţ	(4)	A violation of privacy under section /11-1110.9;			
2	(5)	An act, as described in chapter 705, that is an			
3		attempt, criminal solicitation, or criminal conspiracy			
4		to commit one of the offenses designated in paragraphs			
5		(1) through (4);			
6	(6)	A criminal offense that is comparable to or that			
7		exceeds a sexual offense as defined in paragraphs (1)			
8		through (5); or			
9	(7)	Any federal, military, out-of-state, tribal, or			
10		foreign conviction for any offense that under the laws			
11		of this State would be a sexual offense as defined in			
12		paragraphs (1) through (6)."			
13	SECT	ION 3. Section 846E-3, Hawaii Revised Statutes, is			
14	amended b	y amending subsection (h) to read as follows:			
15	"(h)	If a covered offender has been convicted of only one			
16	covered offense and that covered offense is a misdemeanor, and				
17	was not committed against a minor, the covered offender shall				
18	not be subject to the public access requirements set forth in				
19	this sect	ion."			

1	SECTION 4.	This Act	shall	not	affect	rights	and	duties
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- 2 that matured, penalties and forfeitures that were incurred, and
- 3 proceedings that were begun before its effective date.
- 4 SECTION 5. Statutory material to be repealed is bracketed
- 5 and stricken. New statutory material is underscored.
- 6 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: Ond Juhung



Report Title:

Covered Offender Registration; Sexual Offense; Public Access

Description:

Amends covered offender registration laws to include offenders who, while acting in a professional capacity, commit the offense of sexual assault in the fourth degree against a minor who is at least sixteen years old. Provides that the exception to public access requirements does not apply when the covered offense was committed against a minor.

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