

## ACT 160

S.B. NO. 443

A Bill for an Act Relating to Sex Offenders.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to provide for the registration of certain sex offenders with local law enforcement agencies when they are released into the community.

SECTION 2. Chapter 707, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§707- Registration of sex offenders; requirements; penalty.** (1) For purposes of this section, “sex offender” means any person who has been convicted of a felony sexual assault in this State or any other state, or United States territory or possession.

(2) Each sex offender, within three working days after arrival in a county in which the sex offender resides or expects to be present for a period exceeding one month, shall register with the county chief of police having jurisdiction of the area in which the sex offender resides or is present. Within three working days of any change of address, the sex offender shall notify, in writing, the chief of police with whom the sex offender is registered, of the change in address. If applicable, the chief of police shall forward registration data concerning the sex offender to the chief of police or head of the law enforcement agency having jurisdiction of the area in which the new residence is located.

(3) Registration of the sex offender shall consist of a recent photograph that shall be provided by the sex offender, fingerprints of the sex offender, and a signed statement by the sex offender containing:

- (a) Name and all aliases used by the sex offender or under which the sex offender has been known;
- (b) The address where the sex offender resides and how long the sex offender has resided there;
- (c) The address where the sex offender is staying temporarily, if other than the stated residence;
- (d) Current locations of employment; and
- (e) Vehicle registration information of any vehicles currently owned or operated by the sex offender.

(4) No person other than the chief of police, the head of a law enforcement agency, or their respective designees shall inspect the statements, photographs, or fingerprints required by this section.

(5) Each person in charge of a jail, prison, hospital, school, or other institution to which a sex offender has been committed pursuant to a conviction for a felony sexual assault and each judge who releases a sex offender on probation or

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who discharges a sex offender upon payment of a fine, prior to the discharge, parole, or release of the sex offender, shall:

- (a) Explain to the sex offender the duty to register and the consequences of failing to register under this section;
  - (b) Require the sex offender to sign a statement indicating that the duty to register has been explained to the sex offender;
  - (c) Require the sex offender to indicate on the statement the address at which the sex offender expects to reside upon discharge, parole, or release; and
  - (d) Give one copy of the signed statement containing the address to the offender and mail one copy to the chief of police or head of the law enforcement agency having jurisdiction of the area in which the sex offender expects to reside.
- (6) No earlier than five years following a conviction for a felony sexual assault or five years following release from any incarceration imposed pursuant to such conviction, whichever is later, a sex offender registered under this section may apply to any circuit court for an order relieving the sex offender of the duty of further registration. The court shall hold a hearing on the application at which the applicant and any interested persons may present witnesses and other evidence. If, after the hearing, the court is satisfied, upon clear and convincing evidence, that the sex offender is rehabilitated, the court may grant an order relieving the sex offender of the duty of further registration. If the application is denied, a new application may not be submitted earlier than one year following the denial.
- (7) Any person required to register under this section who intentionally or knowingly fails to comply with any of the requirements of this section is guilty of a misdemeanor.”

SECTION 3. This Act shall apply to any sex offender:

- (1) Convicted of felony sexual assault on or after its effective date;
- (2) Released from a jail, prison, hospital, school, or other institution to which the sex offender had been committed pursuant to a conviction for a felony sexual assault which release was on or after its effective date;
- (3) Convicted of felony sexual assault within ten years prior to its effective date; or
- (4) Released from a jail, prison, hospital, school, or other institution to which the sex offender had been committed pursuant to a conviction for a felony sexual assault whose release was within ten years prior to its effective date.

No person to whom this Act applies shall be convicted of a misdemeanor under this Act for failure to register prior to January 1, 1996.

SECTION 4. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect upon its approval.

(Approved June 14, 1995.)

### Note

1. Edited pursuant to HRS §23G-16.5.