

ACT 194

S.B. NO. 2786

A Bill for an Act Relating to Sex Offender Registration.

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

SECTION 1. Section 846E-1, Hawaii Revised Statutes, is amended by amending the definition of “criminal offense against a victim who is a minor” to read as follows:

““Criminal offense against a victim who is a minor” means any criminal offense that consists of:

- (1) Kidnapping of a minor, except by a parent;
- (2) Unlawful imprisonment in the first degree of a minor, except by a parent;
- (3) Criminal sexual conduct toward a minor;
- (4) Solicitation of a minor who is less than fourteen years old to engage in sexual conduct;
- (5) Use of a minor in a sexual performance;
- (6) Solicitation of a minor to practice prostitution;
- (7) Any conduct that by its nature is a sexual offense against a minor, but excludes conduct that is criminal only because of the age of the victim, as provided in section 707-730(1)(b) or section 707-732(1)(b), if the perpetrator is eighteen years of age or younger; [or]
- (8) An act, as described in chapter 705, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the offenses designated in paragraphs (1) through (7); or
- [(8)] (9) Any state, federal, or military law similar to paragraphs (1) through [(7).] (8).”

SECTION 2. Section 846E-2, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) Registration information for each sex offender shall consist of a recent photograph [that shall be provided by the sex offender], verified fingerprints, [a sample of saliva, and two samples of blood for the purpose of secretor status, blood type, and DNA analysis, if not obtained from the person previously,] and a signed statement by the sex offender containing:

- (1) Name and all aliases used by the sex offender or under which the sex offender has been known and other identifying information, including date of birth, social security number, sex, race, height, weight, and hair and eye color;
- (2) The legal address and telephone number of the sex offender’s [legal] residence or mailing address, [and that of] or any current, temporary address where the sex offender resides, and for each address how long the sex offender has resided there;
- (3) The legal address and telephone number where the sex offender is staying for a period of more than ten days, if other than the stated residence;
- (4) The future address and telephone number where the sex offender is planning to reside, if other than the stated residence;
- (5) Names and legal addresses of current and known future employers and [date and current locations of] the starting and ending dates of any such employment;
- (6) [Vehicle registration information] The year, make, model, color, and license number of all vehicles currently owned or operated by the sex offender; [and]
- (7) A summary of the criminal offenses against victims who were minors and sexually violent offenses for which the sex offender has been convicted or found unfit to proceed or acquitted pursuant to chapter 704[.];
- (8) A statement indicating whether the sex offender has received or is currently receiving treatment for mental abnormality or personality disorder;
- (9) A statement indicating whether the sex offender is a United States citizen; and

(10) Any additional identifying information about the sex offender.”

SECTION 3. Section 846E-3, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) For purposes of this section, “relevant information that is necessary to protect the public” means:

- (1) Name and all aliases used by the sex offender or under which the sex offender has been known;
- (2) The street name and zip code where the sex offender resides and how long the sex offender has resided there;
- (3) The street name and zip code where the sex offender is staying for more than ten days, if other than the stated residence;
- (4) The future [address and telephone number,] street name and zip code, if known, where the sex offender is planning to reside, if other than the stated residence;
- (5) The street name and zip code of the sex offender’s current locations of employment;
- (6) [Vehicle registration information] The year, make, model, color, and license number of all vehicles currently owned or operated by the sex offender;
- (7) A brief summary of the criminal offenses against victims who were minors and the sexually violent offenses for which the sex offender has been convicted or found unfit to proceed or acquitted pursuant to chapter 704; and
- (8) A recent photograph of the sex offender.”

SECTION 4. Section 846E-4, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Each person, or that person’s designee, in charge of a jail, prison, hospital, school, or other institution to which a sex offender has been committed pursuant to a conviction, or an acquittal or finding of unfitness to proceed pursuant to chapter 704, for a sexually violent offense or a criminal offense against a victim who is a minor, and each judge, or that judge’s designee, who continues bail for or releases a sex offender following a guilty verdict or a plea of guilty or nolo contendere, who releases a sex offender on probation or who discharges a sex offender upon payment of a fine, [prior to the discharge, parole, or release of the sex offender,] and each agency having jurisdiction, shall[:], prior to the discharge, parole, or release of the sex offender:

- (1) Explain to the sex offender the duty to register and the consequences of failing to register under this chapter;
- (2) Obtain from the sex offender all of the registration information required by this chapter;
- (3) Inform the sex offender that if the sex offender changes name, employment, vehicle, or residence address, the sex offender shall notify the attorney general of the new [address] registration information in writing within three working days;
- (4) Inform the sex offender that, if the sex offender changes residence to another state, the sex offender shall register the new address with the attorney general and also with a designated law enforcement agency in the new state, if the new state has a registration requirement, not later than ten days after establishing residence in the new state;

- (5) Obtain and verify fingerprints[, samples of saliva and blood,] and a photograph of the sex offender, if these have not already been obtained or verified in connection with the offense that triggers the registration[. Blood shall be withdrawn pursuant to this paragraph only by a person authorized to withdraw blood under section 286-152. The agency having jurisdiction shall arrange for the sample to be collected and analyzed. The results shall be recorded, preserved, and disseminated in a manner established by the Hawaii criminal justice data center and consistent with the requirements of chapter 846. For¹ purposes of this paragraph, the person may be remanded to any available clinic or hospital, intake service center, community correctional center, state or county health department facility, or police department crime laboratory];²
- (6) Require the sex offender to sign a statement indicating that the duty to register has been explained to the sex offender; and
- (7) Give one copy of the signed statement and one copy of the registration information to the sex offender[.];
- [(8) The agency having jurisdiction over the sex offender shall also note any additional physical identifying factors of the sex offender.]”

SECTION 5. Section 846E-4, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) [The agency having jurisdiction over the sex offender shall obtain documentation of any treatment the sex offender received for mental abnormality or personality disorder and shall include the documentation, if any, and any additional identifying factors of the sex offender with the registration information.] Notwithstanding any law to the contrary, [the agency having jurisdiction shall transmit] a copy of the signed statement and one copy of the registration information shall be transmitted to the attorney general within three working days.”

SECTION 6. Section 846E-4, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) Each sex offender, within three working days after release from incarceration, release from commitment, release on furlough, placement on parole, or placement on probation, or within three working days after arrival in a county in which the sex offender resides or expects to be present for a period exceeding [thirty] ten days, shall register in person with the county chief of police having jurisdiction of the area in which the sex offender resides or is present. The chief of police shall transmit any sex offender registration information required by this chapter to the attorney general, by entering the information into a statewide record system, if the information has not previously been entered into the system, and also shall provide the attorney general with a photograph and fingerprints of the sex offender, taken at the time the sex offender registers with the chief of police. The sex offender shall report in person every five years to the county chief of police of the county where the sex offender’s residence is located for purposes of having a new photograph taken.”

SECTION 7. Section 846E-6, Hawaii Revised Statutes, is amended by amending the title to read:

“[[§846E-6]] Requirement to register a change of [address;] registration information; verification by the attorney general.”

SECTION 8. Section 846E-6, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) A sex offender required to register under this chapter, who changes name, employment, vehicle, or residence address after an initial registration with the attorney general, shall notify the attorney general of the new [residence address] registration information in writing within three working days of [changing residence.] the change. For purposes of this section, a person shall be deemed to have established a new residence during any period in which the person resides at a different address for not less than ten days. If the new residence is in another state that has a registration requirement, the person shall register [the new address] with a designated law enforcement agency in the state to which the person moves, not later than ten days after the person establishes residence in that state.”

SECTION 9. Section 846E-7, Hawaii Revised Statutes, is amended to read as follows:

“**[[]§846E-7[]] Notification by the attorney general of changes in [address.] registration information.** Immediately, and in no event, not later than ten days after receiving notice of a change of [address,] registration information, the attorney general shall report the change of [address] registration information by a sex offender required to register under this chapter to the county police department where the sex offender is residing and, in the event the sex offender changes address to another county or state, shall report such change of address to the Federal Bureau of Investigation. If the person changes residence to another state, the attorney general also shall notify the law enforcement agency with which the person must register in the new state, if the new state has a registration requirement.”

SECTION 10. Section 353-13.2, Hawaii Revised Statutes, is repealed.

SECTION 11. Statutory material to be repealed is bracketed.³ New statutory material is underscored.

SECTION 12. This Act shall take effect upon its approval.

(Approved July 17, 1998.)

Notes

1. Prior to amendment “the” appeared here.
2. Semicolon should not be underscored.
3. Edited pursuant to HRS §23G-16.5.