

ACT 192

S.B. NO. 637

A Bill for an Act Relating to Missing Children.

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

SECTION 1. The legislature finds that the Hawaii missing children's clearinghouse trust fund, created in 1997 under section 28-122, Hawaii Revised Statutes (HRS), has disappointed advocates for locating, protecting, and recovering missing children. Potential private donors to the fund are under the impression that the fund belongs to the attorney general, because section 28-122(d), HRS, provides that the fund is "administered by the department of the attorney general unless specifically appropriated to the clearinghouse trust fund". Therefore, there has reportedly been a reluctance on the part of private donors to contribute to the fund.

The legislature further finds that under section 28-122(a), HRS, the Hawaii missing children's clearinghouse trust fund was created as a separate fund of the Hawaii Justice Foundation, a Hawaii nonprofit entity. Currently, there are no state moneys in the fund, and private donations constitute the balance of approximately \$50,000.

The purpose of this Act is to repeal the Hawaii missing children's clearinghouse trust fund, and to transfer the balance of the funds to the newly created Friends of the Missing Child Center Hawaii, a Hawaii nonprofit corporation, formed for the same express purpose of locating, recovering, and protecting missing children.

SECTION 2. Section 28-122, Hawaii Revised Statutes, is repealed.

SECTION 3. Section 28-123, Hawaii Revised Statutes, is repealed.

SECTION 4. Section 28-124, Hawaii Revised Statutes, is repealed.

SECTION 5. The moneys in the Hawaii missing children's clearinghouse trust fund as of the effective date of this Act shall be transferred to the Friends of the Missing Child Center Hawaii, a Hawaii nonprofit corporation, to be expended for the purpose of locating, recovering, and protecting missing children, and to promote community awareness of the problem of missing children.

SECTION 6. Statutory material to be repealed is bracketed and stricken.¹

SECTION 7. This Act shall take effect on January 1, 2004.

(Approved June 18, 2003.)

Note

1. Edited pursuant to HRS §23G-16.5.