

ACT 273

S.B. NO. 1373

A Bill for an Act Relating to Administrative Licensure Actions Against Sex Offenders.

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

SECTION 1. The legislature finds that a recent Civil Beat article highlighted the inability of state licensing boards and agencies to promptly revoke the professional licenses of registered sex offenders. The legislature believes that timely action in cases where certain professional license holders are registered sex offenders is a vital aspect of consumer protection. Delayed action in revoking a license and preventing further practice by a registered sex offender places consumers at unnecessary risk.

Accordingly, the purpose of this Act is to:

- (1) Authorize the department of commerce and consumer affairs and certain licensing boards to automatically revoke and deny the renewal, restoration, or reinstatement of a license to a licensee who is a registered sex offender;
- (2) Establish conditions for the disciplinary action; and
- (3) Ensure consumer protection by requiring any final order of discipline taken to be public record.

SECTION 2. Chapter 436E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§436E- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 3. Chapter 436H, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§436H- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 4. Chapter 439A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§439A- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and

- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 5. Chapter 442, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§442- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 6. Chapter 447, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§447- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board of dentistry shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board of dentistry shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board of dentistry within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board of dentistry from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board of dentistry shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 7. Chapter 448, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§448- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 8. Chapter 448F, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§448F- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 9. Chapter 451A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§451A- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 10. Chapter 451J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§451J- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 11. Chapter 452, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§452- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 12. Chapter 453, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§453- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.
- (b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).
- (c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.
- (d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.
- (e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.
- (f) Any final order of discipline taken pursuant to this section shall be a matter of public record.
- (g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:
 - (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
 - (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 13. Chapter 453D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§453D- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.
- (b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).
- (c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 14. Chapter 455, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§455- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 15. Chapter 457, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§457- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 16. Chapter 457A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§457A- Revocation of certification or denial of application to renew, restore, or reinstate a certification based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a certification or deny an application to renew, restore, or reinstate a certification under either of the following circumstances:

- (1) The person has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the person of the certification revocation or denial of application to renew, restore, or reinstate the certification and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the certification or denial of an application to renew, restore, or reinstate, the person may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the person is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the certification of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 17. Chapter 457B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§457B- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
 - (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.
- (b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).
- (c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.
- (d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.
- (e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.
- (f) Any final order of discipline taken pursuant to this section shall be a matter of public record.
- (g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:
- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
 - (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 18. Chapter 457G, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§457G- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
 - (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.
- (b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 19. Chapter 457J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§457J- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 20. Chapter 458, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§458- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director of commerce and consumer affairs shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director of commerce and consumer affairs shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director of commerce and consumer affairs within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director of commerce and consumer affairs from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director of commerce and consumer affairs shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 21. Chapter 459, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§459- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 22. Chapter 461, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§461- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

(1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and

(2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 23. Chapter 461J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§461J- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 24. Chapter 463E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§463E- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 25. Chapter 465, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§465- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 26. Chapter 465D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§465D- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 27. Chapter 466D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§466D- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 28. Chapter 467E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§467E- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the director within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the director from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense."

SECTION 29. Chapter 468E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§468E- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction requiring registration as a sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

- (1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or
- (2) The licensee has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or reinstate the license and of the right to elect to have a hearing as provided in subsection (c).

(c) Upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the board within ten days of the notice. The hearing shall be held within thirty days of the revocation or denial. The proceeding shall be conducted in accordance with chapter 91.

(d) For the purposes of enforcement of this section, a plea or verdict of guilty, or a conviction after a plea of nolo contendere, shall be deemed a conviction. The record of conviction shall be conclusive evidence of the fact that the conviction occurred.

(e) If the related conviction of the license holder is overturned upon appeal, the revocation or denial ordered pursuant to this section shall automatically cease. Nothing in this subsection shall prohibit the board from pursuing disciplinary action based on any cause other than the overturned conviction.

(f) Any final order of discipline taken pursuant to this section shall be a matter of public record.

(g) The board shall not restore, renew, or otherwise reinstate the license of a person under any of the following circumstances:

- (1) The person has been required to register as a sex offender pursuant to chapter 846E, regardless of whether the conviction has been appealed; and
- (2) The person engaged in the offense with a patient or client, or with a former patient or client if the relationship was terminated primarily for the purpose of committing the offense.”

SECTION 30. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 31. New statutory material is underscored.¹

SECTION 32. This Act shall take effect on July 1, 2025.

(Approved July 2, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.