
A BILL FOR AN ACT

RELATING TO CHAPTER 846E.

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

1 SECTION 1. Section 846E-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "repeat covered offender"
3 to read as follows:

4 "Repeat covered offender" means:

5 (1) A person who is or has been convicted at any time,
6 whether before or after [+]May 9, 2005, [+] of more
7 than one covered offense as defined in this
8 section[+], except that a conviction for multiple
9 counts within a single charging document that allege
10 covered offenses against the same victim and that
11 allege the same date of covered offense against that
12 single victim shall be considered, for the purposes of
13 this definition, a single covered offense; or

14 (2) A person who is or has been charged at any time,
15 whether before or after the [+]May 9, 2005, [+] with
16 more than one covered offense as defined in this
17 section and who has been, more than once, either:

18 (A) Convicted;



1 (B) Found unfit to proceed pursuant to chapter 704;

2 or

3 (C) Acquitted due to a physical or mental disease,
4 disorder, or defect pursuant to chapter 704."

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

7 "(e) In addition to the requirement under subsection (a)
8 to register with the attorney general and comply with the
9 provisions of this chapter until a court relieves the covered
10 offender of the registration requirements of this chapter, each
11 covered offender shall also register in person with the chief of
12 police where the covered offender resides or is present.

13 Registration under this subsection is for the purpose of
14 providing the covered offender's photograph, fingerprints, and
15 registration information. Registration under this subsection is
16 required whenever the covered offender, whether or not a
17 resident of this State, remains in this State for more than ten
18 days or for an aggregate period exceeding thirty days in one
19 calendar year. Covered offenders required to register in person
20 with the chief of police under this subsection shall register no
21 later than three working days after[+] the earliest of:

22 (1) Arrival in this State;



- 1 (2) Release from incarceration;
2 (3) Release from commitment;
3 (4) Release on furlough;
4 (5) Conviction for a covered offense, unless incarcerated;
5 (6) Release on probation;
6 [~~5~~] (7) Placement on parole; or
7 [~~6~~] (8) Arrival in a county in which the covered offender
8 resides or expects to be present for a period
9 exceeding ten days.

10 In addition to any other requirement to register under this
11 subsection or subsection (a), each covered offender shall report
12 in person every five years to the chief of police where the
13 covered offender resides for purposes of having a new photograph
14 taken."

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

17 "(e) After forty years have elapsed after release or
18 sentencing, whichever is later, for covered offenders subject to
19 subsection (c), paragraph (1); thirty years have elapsed after
20 release or sentencing, whichever is later, for covered offenders
21 subject to subsection (c), paragraph (2); twenty-five years have
22 elapsed after release or sentencing, whichever is later, for



1 covered offenders subject to subsection (c), paragraph (3);
2 fifteen years have elapsed after release or sentencing,
3 whichever is later for covered offenders subject to subsection
4 (c), paragraph (4); and ten years have elapsed after release or
5 sentencing, whichever is later, for covered offenders subject to
6 subsection (c), paragraph (5), a covered offender may petition
7 the court in a civil proceeding to terminate public access. In
8 the civil proceeding to terminate public access, the State shall
9 be represented by the prosecuting agency that prosecuted the
10 covered offender for the most recent covered offense within the
11 State of Hawaii. For covered offenders who have never been
12 convicted of a covered offense within the State of Hawaii, the
13 prosecuting attorney for the county in which the covered
14 offender resides shall represent the State. The court may order
15 this termination upon proof by a preponderance of the evidence
16 that the covered offender:

- 17 (1) Has had no new convictions for covered offenses;
18 (2) Is very unlikely to commit a covered offense ever
19 again; and
20 (3) Public access to the covered offender's public
21 information will not assist in protecting the safety
22 of the public or any member thereof;



1 provided that a denial by the court for relief pursuant to a
2 petition under this section shall preclude the filing of another
3 petition for five years from the date of the last denial."

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 2069.



Report Title:

Repeat covered offender; definition

Description:

Amends the definition of "repeat covered offender," to expressly except conviction of multiple counts within a single charging document. Adds conviction for a covered offense, unless incarcerated, and released on probation as events requiring a covered offender to register with the attorney general. Clarifies that the prosecuting agency that prosecuted the covered offender for the most recent covered offense within the State must represent the State in any civil proceeding to terminate public access. (HB2282 HD1)

