
A BILL FOR AN ACT

RELATING TO CRIME.

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

1 SECTION 1. The legislature finds that in 2005, 9-year old
2 Jessica Lunsford was kidnapped from her bedroom, raped, and
3 killed by a registered sex offender. The offender eluded police
4 by staying with a relative, and not at the address registered
5 with law enforcement. Discussion after the horrific incident in
6 Florida touched on numerous issues, including the technical
7 shortcomings of "Megan's Laws" across the nation as evidenced by
8 the Jessica Lunsford case.

9 Congress and other states responded by proposing
10 legislation requiring registered sex offenders to wear
11 electronic tracking devices at all times. This would allow law
12 enforcement to better enforce Megan's Law. The legislature
13 finds that mandating the use of electronic tracking devices for
14 registered sex offenders would prove a useful tool in tracking
15 registered sex offenders and reducing recidivism rates.

16 SECTION 2. Chapter 706, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:



1 "§706 - Repeat violent and sexual offender; registered;
2 **electronic device.** (a) Notwithstanding any other provision of
3 law to the contrary, any person who is convicted of a sexually
4 violent offense or a criminal offense against a victim who is a
5 minor, or any person who is charged with a sexually violent
6 offense or a criminal offense against a victim who is a minor
7 and is found unfit to proceed or who is acquitted due to a
8 physical or mental disease, disorder, or defect pursuant to
9 chapter 704, shall, upon release from imprisonment for the
10 immediate offense, or upon acquittal from a charge of a sexually
11 violent offense or a criminal offense against a victim who is a
12 minor due to a physical or mental disease, disorder, or defect
13 pursuant to chapter 704, wear at all times a location-
14 transmitting device (such as an anklet) for a period of not less
15 than 10 years.

16 (b) Subsection (a) shall only be applicable where a person
17 has been previously convicted on at least one prior and separate
18 occasion of a sexually violent offense or a criminal offense
19 against a victim who is a minor, or charged with a sexually
20 violent offense or a criminal offense against a victim who is a
21 minor and is found unfit to proceed or who is acquitted due to a
22 physical or mental disease, disorder, or defect pursuant to



1 chapter 704, or of an offense under federal law or the laws of
2 another state that is comparable to a sexually violent offense
3 or a criminal offense against a victim, as defined in this
4 section.

5 (c) Notwithstanding any other provision of law to the
6 contrary, any person who is convicted of an offense under
7 chapter 846E shall, upon release from imprisonment for the
8 immediate offense, wear at all times a location-transmitting
9 device (such as an anklet) for a period of not less than 10
10 years.

11 (d) Persons mandated to wear a location-transmitting
12 device pursuant to this section shall reimburse the department
13 of public safety for the cost of the device.

14 (e) As used in this section:

15 "Criminal offense against a victim who is a minor" means
16 any criminal offense that consists of:

- 17 (1) Kidnapping of a minor, except by a parent;
- 18 (2) Unlawful imprisonment in the first degree of a minor,
19 except by a parent;
- 20 (3) Criminal sexual conduct toward a minor;
- 21 (4) Solicitation of a minor who is less than fourteen
22 years old to engage in sexual conduct;



- 1 (5) Use of a minor in a sexual performance, or any crime
- 2 defined in part VI of chapter 707 involving:
- 3 (A) Sexual conduct;
- 4 (B) Attempted sexual conduct; or
- 5 (C) A proposal to engage in sexual conduct;
- 6 (6) Solicitation of a minor to practice prostitution;
- 7 (7) Any conduct that by its nature is a sexual offense
- 8 against a minor, but excludes conduct that is criminal
- 9 only because of the age of the victim, as provided in
- 10 section 707-730(1)(b) or section 707-732(1)(b), if the
- 11 perpetrator is eighteen years of age or younger;
- 12 (8) An act, as described in chapter 705, that is an
- 13 attempt, criminal solicitation, or criminal conspiracy
- 14 to commit one of the offenses designated in paragraphs
- 15 (1) through (7); or
- 16 (9) Any state, federal, or military law similar to
- 17 paragraphs (1) through (8).

18 "Location transmitting device" means a device capable of
19 monitoring of a person within a specified location or locations
20 by means of a global positioning device approved by the
21 Department of Public Safety with active supervision by officers
22 or other employees of the Department of Public Safety.



1 "Sexually violent offense" means an act committed on,
2 before, or after July 1, 1997, that is:

- 3 (1) An act defined in section 707-730(1)(a), 707-
4 730(1)(b), 707-731(1)(a), 707-731(1)(b), 707-
5 732(1)(a), 707-732(1)(e), and 707-733(1)(a);
- 6 (2) A criminal offense that is comparable to a sexually
7 violent offense as defined in paragraph (1) or any
8 federal or out-of-state conviction, for any offense
9 that under the laws of this State would be a sexually
10 violent offense as defined in paragraph (1); or
- 11 (3) An act, as described in chapter 705, that is an
12 attempt, criminal solicitation, or criminal conspiracy
13 to commit one of the offenses designated in paragraph
14 (1) or (2)."

15 SECTION 3. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$, or so much
17 thereof as may be necessary for fiscal year 2006-2007, for the
18 purpose of purchasing location-transmitting devices to
19 effectuate the purposes of this Act.

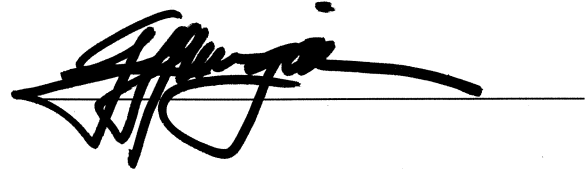
20 SECTION 4. The sum appropriated shall be expended by the
21 department of public safety for the purposes of this Act.

22 SECTION 5. This Act shall take effect on July 1, 2006.



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INTRODUCED BY:

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to be "S. Mungai".

JAN 25 2006



HB 3203

Report Title:

Crime

Description:

Mandates the use of location-transmitting devices for certain sexual offenders.

