

Honolulu, Hawaii

Ag: 16, 2006

RE: S.B. No. 2265
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2265, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMES AGAINST MINORS,"

begs leave to report as follows:

The purpose of this bill is to strengthen penalties against individuals who commit crimes against minors. Among other things, this bill:

- (1) Adds a new misdemeanor of electronic enticement of a child in the third degree;
- (2) Adds promoting child abuse in the third degree or electronic enticement of a child in the second degree to the list of class C felonies subject to repeat offender sentencing;
- (3) Requires a minimum of one year of imprisonment for individuals who are guilty of:
 - (A) Promoting child abuse in the second or third degree; or
 - (B) Electronic enticement of a child in the first or second degree,



and are sentenced to probation rather than a fixed term of imprisonment; and

- (4) Prohibits deferred acceptance of guilty plea or nolo contendere plea for individuals charged with:
 - (A) Child abuse in the second or third degree; or
 - (B) Electronic enticement of a child in the first, second, or third degree.

The Department of the Attorney General, Honolulu Police Department, Department of the Prosecuting Attorney of the County of Maui, Hawaii Family Forum, Hawaii Catholic Conference, Sex Abuse Treatment Center, and a concerned individual testified in support of this bill. The Office of the Public Defender opposed this measure.

Your Committee has amended this bill by:

- (1) Eliminating the new misdemeanor of electronic enticement of a child in the third degree;
- (2) Eliminating the required one-year imprisonment for individuals sentenced to probation and guilty of child abuse in the second or third degree;
- (3) Eliminating the prohibition of deferred acceptance of guilty plea or nolo contendere plea for individuals charged with:
 - (A) Child abuse in the second or third degree; or
 - (B) Electronic enticement of a child in the third degree;

and

- (4) Changing the effective date to January 1, 2006, to encourage further discussion.



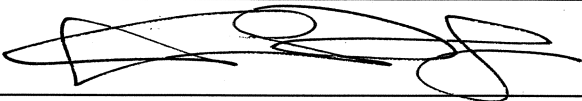
As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2265, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2265, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

for 
SYLVIA LUKE, Chair



Record of Votes of the Committee on Judiciary

| | | | | |
|--|-------------|---|-------------|----------------|
| Bill/Resolution No.: SB2265 SD1 (SSCR2558) | | Date: 3/30/06 | | |
| Committee Referral: JUD | | <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Recommit | | | | |
| JUD Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. LUKE, Sylvia (C) | ✓ | | | |
| 2. OSHIRO, Blake K. (VC) | ✓ | | | |
| 3. CALDWELL, Kirk | ✓ | | | |
| 4. KANOHO, Ezra R. | ✓ | | | |
| 5. KARAMATSU, Jon Riki | | | | ✓ |
| 6. MORITA, Hermina M. | ✓ | | | |
| 7. SONSON, Alex M. | ✓ | | | |
| 8. SOUKI, Joseph M. | | | | ✓ |
| 9. MARUMOTO, Barbara C. | ✓ | | | |
| 10. THIELEN, Cynthia | ✓ | | | |
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| TOTAL | 8 | 0 | 0 | 2 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s) | | | | |
| Vice Chair's or designee's signature:  | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office | | | | |