

Honolulu, Hawaii

MAR 22 2006

RE: H.B. No. 2207
H.D. 1
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred H.B. No. 2207, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT,"

begs leave to report as follows:

The purpose of this measure is to amend the law defining continuous sexual assault of a minor to permit the jury to convict if it is unanimous in finding that the defendant committed at least three prohibited acts, even if it cannot unanimously agree which three acts constitute the offense.

Your Committee received testimony in support of this measure from the Attorney General, the Crime Victim Compensation Commission, the Department of the Prosecuting Attorney for the City and County of Honolulu, the Department of the Prosecuting Attorney for the County of Maui, the Honolulu Police Department, the Hawaii Family Forum, the Hawaii Catholic Conference, and the Sex Abuse Treatment Center. The Office of the Public Defender and the Japanese American Citizens League of Hawaii submitted testimony in opposition to the measure.

Your Committee finds that this measure, along with the proposed constitutional amendment in S.B. 2246, is intended to reverse the effect of State v. Rabgo, 103 Haw. 263 (2003). Under the current law, it is difficult to prosecute those who repeatedly sexually assault young children, because of the difficulty young children have in remembering the individual dates on which they

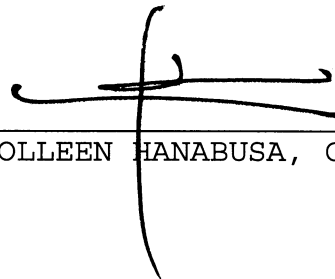


were sexually assaulted. This measure would permit juries to convict a person of the continuous sexual assault of a child, if each member of the jury was convinced beyond a reasonable doubt that the defendant had sexually assaulted the child the required minimum number of times, even if there were no unanimity as to the individual assaults, thus making it easier to prosecute those who repeatedly sexually assault children.

Your Committee has amended this measure to make technical, nonsubstantive changes for clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2207, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2207, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Hawaiian Affairs,



COLLEEN HANABUSA, Chair



