

Honolulu, Hawaii

MAR 30 2006

RE: H.B. No. 2282
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. 2282, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHAPTER 846E,"

begs leave to report as follows:

The purpose of this measure is to amend the definition of "repeat covered offender" to expressly except the conviction of multiple counts within a single charging document.

This measure also adds conviction for a covered offense, unless the person is already incarcerated, and release on probation as events requiring the covered offender to register with the attorney general. This measure also clarifies that the prosecuting agency that prosecuted the convicted offender for the most recent covered offense within the State must represent the State in any civil proceeding to terminate public access to the covered offender's information.

Your Committee received testimony in support of the measure from the Attorney General, the City and County of Honolulu Police Department's Criminal Investigation Division, and the Department of the Prosecuting Attorney for the County of Maui. The City and County of Honolulu Police Department's Records and Identification Division and one individual submitted testimony in opposition to the measure. The Office of the Public Defender submitted comments on this measure.



Your Committee finds that clarification to the definition of "repeat covered offender" is needed to prevent misinterpretation and misapplication of the definition.

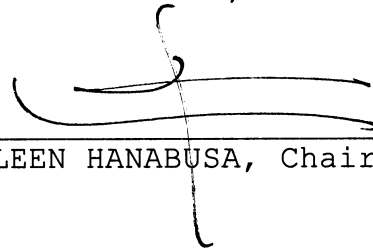
Your Committee has amended this measure to:

- (1) Require the attorney general to handle civil proceedings when a covered offender seeks termination to public access in accordance with testimony received from the Office of the Public Defender. This amendment also allows the attorney general, with the consent of the prosecuting agency, to designate the prosecuting agency that prosecuted the convicted offender for the most recent covered offense within the State to represent the State or, if the offender has not been convicted of a covered offense in the state, to designate the prosecuting agency in the offender's county, with the consent of that prosecuting agency;
- (2) Restore the requirement that a covered offender required to register under the sex offender registration law and who has been absent from the offender's registered residence for ten or more days and has failed to establish a new residence to:
 - (a) Notify the attorney general;
 - (b) Report to a police station by the last day of every month until a new residence is established and registered; and
 - (c) Upon reporting to the police station, disclose to the police where the offender has slept in the previous month;
- (3) Restore the failure to meet the report requirements in paragraph (2) in the offense of failure to comply with covered offender registration requirements;
- (4) Change the effective date from July 1, 2069, to July 1, 2006; and
- (5) 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. 2282, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2282, 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



