

Honolulu, Hawaii

APRIL 19 , 2006

RE: S.B. No. 2246  
S.D. 1  
H.D. 2  
C.D. 1

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

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

Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2246, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is:

- (1) To propose an amendment to article I of the State Constitution to provide that the Legislature may define what behavior constitutes a continuing course of conduct in a sexual assault crime against minors younger than fourteen years of age; and



- (2) To provide that the Legislature may define what constitutes the unanimity that is required for a conviction in sexual assault crimes.

Under current law, it is difficult to prosecute those who repeatedly sexually assault a child, because of the difficulty young children have in remembering the individual dates on which they were sexually assaulted. This proposed amendment to the State Constitution would allow the Legislature to enact a law that would permit juries to convict a person of the continuous sexual assault of a minor younger than fourteen years of age, if each member of a jury was convinced beyond a reasonable doubt that the defendant had sexually assaulted the child the required number of times, even if there was no unanimity as to the individual assaults.

Your Committee on Conference has amended this measure by making it effective upon compliance with article XVII, section 3, of Constitution of the State of Hawaii.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2246, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2246, S.D. 1, H.D. 2, C.D. 1.


Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

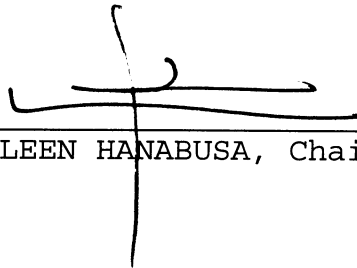
ON THE PART OF THE SENATE



BLAKE K. OSHIRO, Co-Chair



RYAN I. YAMANE, Co-Chair



COLLEEN HANABUSA, Chair



