

GOV. MSG. NO. **722**

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 16, 2008

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 16, 2008, the following bill was signed into law:

HB3040 HD1 SD1 CD1

A BILL FOR AN ACT RELATING TO PUBLIC
SAFETY.
(ACT 80)

Sincerely,

JAMES R. AIONA, JR.
Acting Governor

A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 PART I

2 SECTION 1. Chapter 707, Hawaii Revised Statutes, is
3 amended by adding a new section to part VI to be appropriately
4 designated and to read as follows:

5 "§707- Indecent electronic display to a child. (1) Any
6 person who intentionally masturbates or intentionally exposes
7 the genitals in a lewd or lascivious manner live over a computer
8 online service, internet service, or local bulletin board
9 service and who knows or should know or has reason to believe
10 that the transmission is viewed on a computer or other
11 electronic device by:

12 (a) A minor known by the person to be under the age of
13 eighteen years;

14 (b) Another person, in reckless disregard of the risk that
15 the other person is under the age of eighteen years,
16 and the other person is under the age of eighteen
17 years; or



1 (c) Another person who represents that person to be under
2 the age of eighteen years,
3 is guilty of indecent electronic display to a child.

4 (2) Indecent electronic display to a child is a
5 misdemeanor."

6 SECTION 2. Section 706-606.5, Hawaii Revised Statutes, is
7 amended by amending subsection (1) to read as follows:

8 "(1) Notwithstanding section 706-669 and any other law to
9 the contrary, any person convicted of murder in the second
10 degree, any class A felony, any class B felony, or any of the
11 following class C felonies: section 188-23 relating to
12 possession or use of explosives, electrofishing devices, and
13 poisonous substances in state waters; section 386-98(d)(1)
14 relating to fraud violations and penalties; section
15 431:10A-131(b)(2) relating to insurance fraud; section
16 431:10C-307.7(b)(2) relating to insurance fraud; section
17 432:1-106(b)(2) relating to insurance fraud; section
18 432D-18.5(b)(2) relating to insurance fraud; section 707-703
19 relating to negligent homicide in the second degree; section
20 707-711 relating to assault in the second degree; section
21 707-713 relating to reckless endangering in the first degree;
22 section 707-716 relating to terroristic threatening in the first



1 degree; section 707-721 relating to unlawful imprisonment in the
2 first degree; section 707-732 relating to sexual assault or rape
3 in the third degree; section 707-752 relating to promoting child
4 abuse in the third degree; section 707-757 relating to
5 electronic enticement of a child in the second degree; section
6 707-766 relating to extortion in the second degree; section 708-
7 811 relating to burglary in the second degree; section 708-821
8 relating to criminal property damage in the second degree;
9 section 708-831 relating to theft in the first degree as amended
10 by Act 68, Session Laws of Hawaii 1981; section 708-831 relating
11 to theft in the second degree; section 708-835.5 relating to
12 theft of livestock; section 708-836 relating to unauthorized
13 control of propelled vehicle; section 708-839.8 relating to
14 identity theft in the third degree; section 708-839.55 relating
15 to unauthorized possession of confidential personal information;
16 section 708-852 relating to forgery in the second degree;
17 section 708-854 relating to criminal possession of a forgery
18 device; section 708-875 relating to trademark counterfeiting;
19 section 710-1071 relating to intimidating a witness; section
20 711-1103 relating to riot; section 712-1203 relating to
21 promoting prostitution in the second degree; section 712-1221
22 relating to gambling in the first degree; section 712-1224



1 relating to possession of gambling records in the first degree;
2 section 712-1243 relating to promoting a dangerous drug in the
3 third degree; section 712-1247 relating to promoting a
4 detrimental drug in the first degree; section 846E-9 relating to
5 failure to comply with covered offender registration
6 requirements; section 134-7 relating to ownership or possession
7 of firearms or ammunition by persons convicted of certain
8 crimes; section 134-8 relating to ownership, etc., of prohibited
9 weapons; section 134-9 relating to permits to carry, or who is
10 convicted of attempting to commit murder in the second degree,
11 any class A felony, any class B felony, or any of the class C
12 felony offenses enumerated above and who has a prior conviction
13 or prior convictions for the following felonies, including an
14 attempt to commit the same: murder, murder in the first or
15 second degree, a class A felony, a class B felony, any of the
16 class C felony offenses enumerated above, or any felony
17 conviction of another jurisdiction, shall be sentenced to a
18 mandatory minimum period of imprisonment without possibility of
19 parole during such period as follows:
20 (a) One prior felony conviction:



- 1 (i) Where the instant conviction is for murder in the
2 second degree or attempted murder in the second
3 degree--ten years;
- 4 (ii) Where the instant conviction is for a class A
5 felony--six years, eight months;
- 6 (iii) Where the instant conviction is for a class B
7 felony--three years, four months; and
- 8 (iv) Where the instant conviction is for a class C
9 felony offense enumerated above--one year, eight
10 months;
- 11 (b) Two prior felony convictions:
- 12 (i) Where the instant conviction is for murder in the
13 second degree or attempted murder in the second
14 degree--twenty years;
- 15 (ii) Where the instant conviction is for a class A
16 felony--thirteen years, four months;
- 17 (iii) Where the instant conviction is for a class B
18 felony--six years, eight months; and
- 19 (iv) Where the instant conviction is for a class C
20 felony offense enumerated above--three years,
21 four months;
- 22 (c) Three or more prior felony convictions:



- 1 (i) Where the instant conviction is for murder in the
2 second degree or attempted murder in the second
3 degree--thirty years;
- 4 (ii) Where the instant conviction is for a class A
5 felony--twenty years;
- 6 (iii) Where the instant conviction is for a class B
7 felony--ten years; and
- 8 (iv) Where the instant conviction is for a class C
9 felony offense enumerated above--five years."

10 SECTION 3. Section 707-756, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§707-756 Electronic enticement of a child in the first
13 degree. (1) Any person who, using a computer or any other
14 electronic device:

15 (a) Intentionally or knowingly communicates:

- 16 (i) With a minor known by the person to be under the
17 age of eighteen years;
- 18 (ii) With another person, in reckless disregard of the
19 risk that the other person is under the age of
20 eighteen years, and the other person is under the
21 age of eighteen years; or



- 1 (iii) With another person who represents that person to
2 be under the age of eighteen years; [and]
- 3 (b) With the intent to promote or facilitate the
4 commission of a felony:
- 5 (i) That is a murder in the first or second degree;
6 (ii) That is a class A felony; or
7 (iii) That is [an] another covered offense as defined
8 in section 846E-1[+],
9 agrees to meet with the minor, or with another person
10 who represents that person to be a minor under the age
11 of eighteen years; and
- 12 (c) Intentionally or knowingly travels to the agreed upon
13 meeting place at the agreed upon meeting time[+],
14 is guilty of electronic enticement of a child in the first
15 degree.
- 16 (2) Electronic enticement of a child in the first degree
17 is a class B felony. Notwithstanding any law to the contrary,
18 ~~[if a person sentenced under this section is sentenced to~~
19 ~~probation rather than]~~ a person convicted of electronic
20 enticement of a child in the first degree shall be sentenced to
21 an indeterminate term of imprisonment [, the terms and conditions



1 ~~of probation shall include, but not be limited to, a term of~~
2 ~~imprisonment of one year.] as provided by law."~~

3 PART II

4 SECTION 4. Section 846E-1, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By adding a new definition to be appropriately inserted
7 and to read:

8 "Clean record" means no conviction for a felony or covered
9 offense, if placed on probation or parole, completion of
10 probation or parole without more than one revocation, and, for
11 sex offenders, successful completion of an appropriate sex
12 offender treatment program, if such program was ordered."

13 2. By amending the definitions of "crime against minors,"
14 "registration information," and "sexual offense" to read:

15 "Crime against minors" [7] excludes "sexual offenses" as
16 defined in this section and means a criminal offense that
17 consists of:

18 (1) Kidnapping of a minor, [~~except~~] by someone other than
19 a parent;

20 (2) Unlawful imprisonment in the first or second degree
21 that involves the unlawful imprisonment of a minor [7
22 except] by someone other than a parent;



- 1 (3) An act, as described in chapter 705, that is an
2 attempt, criminal solicitation, or criminal conspiracy
3 to commit one of the offenses designated in paragraph
4 (1) or (2); or
- 5 (4) A criminal offense that is comparable to or which
6 exceeds one of the offenses designated in paragraphs
7 (1) through (3) or any federal, military, or out-of-
8 state conviction for any offense that, under the laws
9 of this State would be a crime against minors as
10 designated in paragraphs (1) through (3).
- 11 "Registration information" means the information specified
12 in section ~~[§46E-2(e)]~~ 846E-2(d) and (e)."
- 13 "Sexual offense" means an offense that is:
- 14 (1) set forth in section 707-730(1)(a), 707-730(1)(b),
15 707-730(1)(c), 707-730(1)(d) or (e), 707-731(1)(a),
16 707-731(1)(b), 707-731(1)(c), 707-732(1)(a), 707-
17 732(1)(b), 707-732(1)(c), 707-732(1)(d), 707-
18 732(1)(e), 707-732(1)(f), 707-733(1)(a), 707-733.6,
19 ~~[e]~~ 712-1202(1)(b), or 712-1203(1)(b), but excludes
20 conduct that is criminal only because of the age of
21 the victim, as provided in section 707-730(1)(b), or



- 1 section 707-732(1)(b) if the perpetrator is under the
2 age of eighteen;
- 3 (2) An act defined in section 707-720 if the charging
4 document for the offense for which there has been a
5 conviction alleged intent to subject the victim to a
6 sexual offense;
- 7 (3) An act that consists of:
- 8 (A) Criminal sexual conduct toward a minor[+],
9 including but not limited to an offense set forth
10 in section 707- ;
- 11 (B) Solicitation of a minor who is less than fourteen
12 years old to engage in sexual conduct;
- 13 (C) Use of a minor in a sexual performance;
- 14 (D) Production, distribution, or possession of child
15 pornography chargeable as a felony under section
16 707-750, 707-751, or 707-752;
- 17 (E) Electronic enticement of a child chargeable [~~as a~~
18 ~~felony~~] under section 707-756 [~~or~~], 707-757, or
19 707-_____ if the [act involves:
20 ~~(i) Sexual conduct,~~
21 ~~(ii) Attempted sexual conduct, or~~
22 ~~(iii) A proposal to engage in sexual conduct,]~~



1 offense was committed with the intent to promote
2 or facilitate the commission of another covered
3 offense as defined in section 846E-1; or

4 (F) Solicitation of a minor to practice prostitution;

5 (4) A criminal offense that is comparable to or that
6 exceeds a sexual offense as defined in paragraphs (1)
7 through (3) or any federal, military, or out-of-state
8 conviction for any offense that under the laws of this
9 State would be a sexual offense as defined in
10 paragraphs (1) through (3); or

11 (5) 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 paragraphs
14 (1) through (4)."

15 3. By repealing the definitions of "aggravated sex
16 offender," "aggravated sexual offense," and "sexually violent
17 predator":

18 ~~["Aggravated sex offender" means:~~

19 ~~(1) A person convicted of an "aggravated sexual offense"~~
20 ~~as defined in this section; or~~

21 ~~(2) A person who is charged with an "aggravated sexual~~
22 ~~offense" as defined in this section and found unfit to~~



1 ~~proceed and is released into the community or~~
2 ~~acquitted due to a physical or mental disease,~~
3 ~~disorder, or defect pursuant to chapter 704 and is~~
4 ~~released into the community.~~

5 ~~"Aggravated sexual offense" means:~~

6 ~~(1) A criminal offense described in section 707-730(1)(a),~~
7 ~~707-730(1)(b), 707-731(1)(b), 707-732(1)(b),~~
8 ~~707-732(1)(f), and 707-733.6, but excludes conduct~~
9 ~~that is criminal only because of the age of the~~
10 ~~victim, if the perpetrator is under the age of~~
11 ~~eighteen;~~

12 ~~(2) A criminal offense that is comparable to one of the~~
13 ~~offenses designated in paragraph (1) or any federal,~~
14 ~~military, or out of state offense that, under the laws~~
15 ~~of this State would be an aggravated sexual offense as~~
16 ~~designated in paragraph (1); or~~

17 ~~(3) An act, as described in chapter 705, that is an~~
18 ~~attempt, criminal solicitation, or criminal conspiracy~~
19 ~~to commit one of the offenses designated in paragraphs~~
20 ~~(1) or (2).~~

21 ~~"Sexually violent predator" means a person:~~

22 ~~(1) Who is a sex offender, and~~



1 ~~(2) Who suffers from a mental abnormality or personality~~
2 ~~disorder that makes the person likely to engage in~~
3 ~~predatory sexual offenses."]~~

4 SECTION 5. Section 846E-2, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§846E-2 Registration requirements. (a) A covered
7 offender shall register with the attorney general and comply
8 with the provisions of this chapter for life or for a shorter
9 period of time as provided in this chapter. A covered offender
10 ~~[who is not:~~

11 ~~(1) An aggravated sex offender;~~

12 ~~(2) A repeat covered offender; and~~

13 ~~(3) A sexually violent predator;]~~

14 shall be eligible to petition the court in a civil proceeding
15 for an order that the covered offender's registration
16 requirements under this chapter be terminated, as provided in
17 section 846E-10.

18 (b) A person who establishes or maintains a residence in
19 this state and who has not been designated as a covered offender
20 by a court of this State but who has been designated as a
21 covered offender, sex offender, offender against minors, repeat
22 covered offender, sexually violent predator, or any other sexual



1 offender designation in another state or jurisdiction and was,
2 as a result of such designation, subjected to registration or
3 community or public notification, or both, or would be if the
4 person was a resident of that state or jurisdiction, without
5 regard to whether the person otherwise meets the criteria for
6 registration as a covered offender, shall register in the manner
7 provided in this section and shall be subject to community and
8 public notification as provided in section 846E-3. A person who
9 meets the criteria of this subsection is subject to the
10 requirements and penalty provisions of section 846E-9 until the
11 person successfully petitions the attorney general for
12 termination of registration requirements by:

13 (1) Providing an order issued by the court that designated
14 the person as a covered offender, sex offender,
15 offender against minors, repeat covered offender,
16 sexually violent predator, or any other sexual
17 offender designation in the state or jurisdiction in
18 which the order was issued, which states that such
19 designation has been removed or demonstrates to the
20 attorney general that such designation, if not imposed
21 by a court, has been removed by operation of law or
22 court order in the state or jurisdiction in which the



1 designation was made, and such person does not meet
2 the criteria for registration as a covered offender
3 under the laws of this State; or

- 4 (2) Demonstrating that the out-of-state convictions upon
5 which the sexual offender designation was established
6 are not covered offenses under section 846E-1, thereby
7 showing that such person does not meet the criteria
8 for registration as a covered offender under the laws
9 of this State.

10 If the covered offender is not satisfied with the decision of
11 the attorney general on the request for termination of
12 registration requirements, the covered offender may appeal the
13 decision pursuant to chapter 91.

14 ~~[(b)]~~ (c) Each provision of this chapter applicable to sex
15 offenders shall also be applicable to offenders against minors,
16 unless offenders against minors are specifically excluded.

17 Whenever a covered offender's public information is made
18 publicly accessible, separate registries shall be maintained
19 for:

- 20 (1) Sex offenders; and
21 (2) Offenders against minors.



1 ~~[(e)]~~ (d) Registration information for each covered
2 offender shall ~~[consist of a recent photograph, verified~~
3 ~~fingerprints, and]~~ include a signed statement by the covered
4 offender containing:

- 5 (1) The name, all prior names, nicknames and pseudonyms,
6 and all aliases used by the covered offender or under
7 which the covered offender has been known and other
8 identifying information, including date of birth~~[]~~
9 and any alias date of birth, social security number~~[]~~
10 and any alias social security number, sex, race,
11 height, weight, and hair and eye color;
- 12 (2) The actual address and telephone number of the covered
13 offender's residence ~~[or mailing address,]~~ or any
14 current, temporary address where the covered offender
15 resides, or if an address is not available, a
16 description of the place or area in which the covered
17 offender resides for at least thirty nonconsecutive
18 days within a sixty-day period, and for each address
19 or place where the covered offender resides, how long
20 the covered offender has resided there;
- 21 (3) The actual address or description of the place or
22 area, the actual length of time of the stay, and



1 telephone number where the covered offender is staying
2 for a period of more than ten days, if other than the
3 stated residence;

4 (4) If known, the future address and telephone number
5 where the covered offender is planning to reside, if
6 other than the stated residence;

7 (5) Any electronic mail address, any instant message name,
8 any Internet designation or moniker, and any Internet
9 address used for routing or self-identification;

10 (6) Any cell phone number and other designations used for
11 routing or self-identification in telephonic
12 communications;

13 ~~(5)~~ (7) Names and, if known, actual business addresses of
14 current and known future employers, including
15 information for any place where the covered offender
16 works as a volunteer or otherwise works without
17 remuneration, and the starting and ending dates of any
18 such employment;

19 (8) For covered offenders who may not have a fixed place
20 of employment, a description of the places where such
21 a covered offender works, such as information about



1 normal travel routes or the general area or areas in
2 which the covered offender works;

3 (9) Professional licenses held by the covered offender;

4 ~~(6)~~ (10) Names and actual addresses of current and known
5 future educational institutions with which the covered
6 offender is affiliated in any way, whether or not
7 compensated, including but not limited to affiliation
8 as a faculty member, an employee, or a student, and
9 the starting and ending dates of any such affiliation;

10 ~~(7)~~ (11) The year, make, model, color, and license or
11 registration or other identifying number of all
12 vehicles, including automobiles, watercrafts, and
13 aircrafts, currently owned or operated by the covered
14 offender ~~(7)~~ and the address or description of the
15 place or places where the covered offender's vehicle
16 or vehicles are habitually parked, docked, or
17 otherwise kept;

18 (12) Passports and information about the passports, if the
19 covered offender has passports, and documents
20 establishing immigration status and information about
21 these documents, if the covered offender is an alien;



1 ~~[(8)]~~ (13) A statement listing all covered offenses for
2 which the covered offender has been convicted or found
3 unfit to proceed or acquitted pursuant to chapter 704;

4 ~~[(9)]~~ (14) A statement indicating whether the covered
5 offender has received or is currently receiving
6 treatment ordered by a court of competent jurisdiction
7 or by the Hawaii paroling authority;

8 ~~[(10)]~~ (15) A statement indicating whether the covered
9 offender is a United States citizen; and

10 ~~[(11)]~~ (16) Any additional identifying information about the
11 covered offender.

12 (e) The following information shall also be included in
13 the registry for each covered offender:

14 (1) A current photograph of the covered offender;

15 (2) A physical description of the covered offender,
16 including a description of particular identifying
17 characteristics such as scars or tattoos;

18 (3) Confirmation that the covered offender has provided
19 digitized fingerprints and palm prints of the covered
20 offender;

21 (4) Judgment of conviction, judgment of acquittal, or
22 judicial determination of unfitness to proceed

1 documenting the criminal offense or offenses for which
2 the covered offender is registered;

3 (5) The text, or an electronic link to the text, of the
4 provision of law defining the criminal offense or
5 offenses for which the covered offender is registered;

6 (6) The criminal history of the covered offender, or an
7 electronic link to the criminal history, including the
8 date of all arrests and convictions, the status of
9 parole, probation, or supervised release, registration
10 status, and the existence of any outstanding arrest
11 warrants for the covered offender;

12 (7) Confirmation that the covered offender has provided a
13 DNA buccal swab sample as required by chapter 844D;

14 (8) Digitized copies of a valid driver's license or
15 identification card issued to the covered offender, or
16 an electronic link to such records; and

17 (9) Digitized copies of passports and documents
18 establishing immigration status, or an electronic link
19 to such records.

20 [~~d~~] (f) Whenever a covered offender provides
21 registration information, during initial registration as a
22 covered offender or when providing notice of a change in



1 registration information, the covered offender also shall sign a
2 statement verifying that all of the registration information is
3 accurate and current.

4 ~~(f)~~ (g) In addition to the requirement under subsection
5 (a) to register with the attorney general and comply with the
6 provisions of this chapter until a court relieves the covered
7 offender of the registration requirements of this chapter, each
8 covered offender shall also register in person with the chief of
9 police where the covered offender resides or is present.

10 Registration under this subsection is for the purpose of
11 providing the covered offender's photograph, fingerprints, and
12 registration information. Registration under this subsection is
13 required whenever the covered offender, whether or not a
14 resident of this ~~[State,]~~ state, remains in this ~~[State]~~ state
15 for more than ten days or for an aggregate period exceeding
16 thirty days in one calendar year. Covered offenders required to
17 register in person with the chief of police under this
18 subsection shall register no later than three working days after
19 the earliest of:

- 20 (1) Arrival in this ~~[State,]~~ state;
- 21 (2) Release from incarceration;
- 22 (3) Release from commitment;



- 1 (4) Release on furlough;
- 2 (5) Conviction for a covered offense, unless incarcerated;
- 3 (6) Release on probation;
- 4 (7) Placement on parole; or
- 5 (8) Arrival in a county in which the covered offender
- 6 resides or expects to be present for a period
- 7 exceeding ten days.

8 In addition to any other requirement to register under this

9 subsection or subsection (a), each covered offender shall report

10 in person every five years until June 30, 2009, and beginning on

11 July 1, 2009, every year, within the thirty-day period following

12 the offender's date of birth, to the chief of police where the

13 covered offender resides [~~for purposes of having a new~~

14 photograph taken.], or to such other department or agency that

15 may be designated by the attorney general in rules adopted

16 pursuant to chapter 91 for purposes of the administration of

17 this subsection, and shall review the existing information in

18 the registry that is within the offender's knowledge, correct

19 any information that has changed or is inaccurate, provide any

20 new information that may be required, and allow the police and

21 such other department or agency designated by the attorney

22 general to take a current photograph of the offender.



1 [~~f~~] (h) The registration provisions of this section
2 shall apply to all covered offenders without regard to:

- 3 (1) The date of the covered offender's conviction;
4 (2) The date of finding, pursuant to chapter 704, of the
5 covered offender's unfitness to proceed; or
6 (3) The date of the covered offender's acquittal due to
7 mental disease, disorder, or defect, pursuant to
8 chapter 704."

9 SECTION 6. Section 846E-3, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§846E-3 Access to registration information.** (a)

12 Registration information shall be disclosed as follows:

- 13 (1) The information shall be disclosed to law enforcement
14 agencies for law enforcement purposes;
15 (2) The information shall be disclosed to government
16 agencies conducting confidential background checks;
17 and
18 (3) The attorney general and any county police department
19 shall release public information as provided in
20 subsection (b) concerning a specific person required
21 to register under this chapter; provided that the



1 identity of a victim of an offense that requires
2 registration under this chapter shall not be released.

3 (b) For purposes of this section, "public information"
4 means:

5 (1) Name, prior names, nicknames and pseudonyms, and all
6 aliases used by the covered offender or under which
7 the covered offender has been known;

8 (2) The year of the covered offender's date of birth and
9 the year of the covered offender's alias dates of
10 birth;

11 (3) A physical description of the covered offender,
12 including a description of particular identifying
13 characteristics such as scars or tattoos;

14 [~~4~~] (4) The actual address where the covered offender
15 resides [and] or any current, temporary address where
16 the covered offender resides or, if an address is not
17 available, a description of any place or area in which
18 the covered offender resides for at least thirty
19 nonconsecutive days within a sixty-day period, and,
20 for each address or place where the covered offender
21 resides, how long the covered offender has resided
22 there;



- 1 [~~3~~] (5) The actual address or description of the place or
2 area where the covered offender is staying for more
3 than ten days, if other than the stated residence [~~7~~],
4 and the actual length of time of the stay;
- 5 [~~4~~] (6) The future actual address, if known, where the
6 covered offender is planning to reside, if other than
7 the stated residence;
- 8 [~~5~~] (7) The street name and zip code of the covered
9 offender's current locations of employment [~~7~~],
10 including information for any place where the covered
11 offender works as a volunteer or otherwise works
12 without remuneration;
- 13 (8) For covered offenders who may not have a fixed place
14 of employment, a description of the places where such
15 a covered offender works;
- 16 (9) Professional licenses held by the covered offender;
- 17 [~~6~~] (10) Names and actual addresses of current and known
18 future educational institutions with which the covered
19 offender is affiliated as a faculty member, an
20 employee, or a student, and the starting and ending
21 dates of any such affiliation;



- 1 [~~7~~] (11) The year, make, model, color, and license number
2 of all vehicles, including automobiles, watercrafts,
3 and aircrafts, currently owned or operated by the
4 covered offender, excluding vehicles operated
5 exclusively for purposes of work;
- 6 [~~8~~] (12) A statement listing all covered offenses for
7 which the covered offender has been convicted or found
8 unfit to proceed or acquitted pursuant to chapter 704;
9 [and]
- 10 (13) Judgment of conviction, judgment of acquittal, or
11 judicial determination of unfitness to proceed
12 documenting the criminal offense or offenses for which
13 the covered offender is registered;
- 14 (14) The text, or an electronic link to the text, of the
15 provision of law defining the criminal offense or
16 offenses for which the covered offender is registered;
17 and
- 18 [~~9~~] (15) A recent photograph of the covered offender.
19 The identity of any victim of a sexual offense shall not be
20 disclosed and any documentation containing such information
21 shall be redacted to prevent disclosure.



1 (c) To facilitate community notification, after a covered
2 offender registers or updates a registration, the attorney
3 general may provide public information in the registry about
4 that offender to any organization, company, or individual who
5 requests such notification pursuant to procedures established by
6 the attorney general through rules adopted pursuant to chapter
7 91.

8 (d) A covered offender may seek correction of erroneous
9 public information by petitioning the attorney general to make
10 the correction. If the covered offender is not satisfied with
11 the decision of the attorney general on the request for
12 correction, the covered offender may appeal the decision
13 pursuant to chapter 91.

14 [~~e~~] (e) Public access to a covered offender's public
15 information shall be permitted with regard to each covered
16 offender beginning the next working day following the filing of
17 a judgment of conviction, a finding of unfitness to proceed or
18 an acquittal due to mental disease, disorder, or defect, for a
19 covered offense, or as soon thereafter as is practical. When a
20 notice of appeal has been filed, the public information shall
21 note that the covered offender has filed a notice of appeal.
22 The public information shall be removed upon the reversal of the



1 covered offender's conviction or the granting of a pardon to the
2 covered offender. ~~[Public access shall continue until the~~
3 ~~expiration of at least the following periods:~~

4 ~~(1) Forty years after sentencing or release, whichever is~~
5 ~~later, of a sexually violent predator or a repeat~~
6 ~~covered offender with at least two separate~~
7 ~~convictions for a crime for which this chapter~~
8 ~~requires registration, one of which is a felony;~~

9 ~~(2) Thirty years after sentencing or release, whichever is~~
10 ~~later, of any covered offender who has been convicted~~
11 ~~of an aggravated sexual offense;~~

12 ~~(3) Twenty five years after sentencing or release,~~
13 ~~whichever is later, of any covered offender who is not~~
14 ~~subject to paragraph (1) or (2), and whose most~~
15 ~~serious covered offense conviction, except for a~~
16 ~~conviction under section 707-730(1)(c), is a class A~~
17 ~~felony or its non Hawaii equivalent;~~

18 ~~(4) Fifteen years after a covered offender's date of~~
19 ~~sentencing or release, whichever is later, for those~~
20 ~~covered offenders who are not subject to paragraphs~~
21 ~~(1) through (3) and whose most serious covered offense~~
22 ~~conviction is a class B felony, or a conviction under~~



1 ~~section 707-730(1)(c), or its non-Hawaii equivalent,~~

2 ~~or~~

3 ~~(5) Ten years after a covered offender's date of~~
4 ~~sentencing or release, whichever is later, for those~~
5 ~~covered offenders who are not subject to paragraphs~~
6 ~~(1) through (4) and:~~

7 ~~(A) Whose most serious covered offense conviction is~~

8 ~~a class C felony or its non-Hawaii equivalent; or~~

9 ~~(B) Have been convicted of a second or subsequent~~

10 ~~misdemeanor covered offense when all of the~~

11 ~~previous covered offenses are also misdemeanors.~~

12 ~~(d)] (f) Public access authorized by this section [shall~~
13 ~~be accomplished by the following methods:~~

14 ~~(1) Public access to the public information for each~~
15 ~~covered offender subject to subsection (c), paragraphs~~

16 ~~(1) through (4)] shall be provided by both public~~

17 ~~[internet] Internet access and on-site public access~~

18 ~~[or;~~

19 ~~(2) Public access to the public information for each~~

20 ~~covered offender subject to subsection (c), paragraph~~

21 ~~(5) shall be provided by on-site public access];~~



1 provided that on-site public access shall be provided for each
2 covered offender at the Hawaii criminal justice data center and
3 at one or more designated police stations in each county, to be
4 designated by the attorney general, between the hours of 8:00
5 a.m. and 4:30 p.m. on weekdays, excluding holidays.

6 ~~[(e) After]~~ (g) Public access to the public information
7 for each covered offender shall be permitted while the covered
8 offender is subject to sex offender registration, except that
9 after forty years have elapsed after release or sentencing,
10 whichever is later, ~~[for covered offenders subject to subsection~~
11 ~~(e), paragraph (1); thirty years have elapsed after release or~~
12 ~~sentencing, whichever is later, for covered offenders subject to~~
13 ~~subsection (e), paragraph (2); twenty five years have elapsed~~
14 ~~after release or sentencing, whichever is later, for covered~~
15 ~~offenders subject to subsection (e), paragraph (3); fifteen~~
16 ~~years have elapsed after release or sentencing, whichever is~~
17 ~~later for covered offenders subject to subsection (e), paragraph~~
18 ~~(4); and ten years have elapsed after release or sentencing,~~
19 ~~whichever is later, for covered offenders subject to subsection~~
20 ~~(e), paragraph (5);]~~ a covered offender may petition the court
21 in a civil proceeding to terminate public access. In the civil
22 proceeding to terminate public access, the State shall be



1 represented by the attorney general; provided that the attorney
2 general, with the prosecuting agency's consent, may designate
3 the prosecuting agency that prosecuted the covered offender for
4 the most recent covered offense within the [State] state to
5 represent the State. For covered offenders who have never been
6 convicted of a covered offense within the State of Hawaii, the
7 attorney general shall represent the State; provided that the
8 attorney general, with the prosecuting agency's consent, may
9 designate the prosecuting agency for the county in which the
10 covered offender resides to represent the State. The court may
11 order this termination upon substantial evidence and more than
12 proof by a preponderance of the evidence that [~~the covered~~
13 ~~offender~~]:

- 14 (1) [~~Has~~] The covered offender has had no new convictions
15 for covered offenses;
- 16 (2) [~~Is~~] The covered offender is very unlikely to commit a
17 covered offense ever again; and
- 18 (3) Public access to the covered offender's public
19 information will not assist in protecting the safety
20 of the public or any member thereof;



1 provided that a denial by the court for relief pursuant to a
2 petition under this section shall preclude the filing of another
3 petition for five years from the date of the last denial.

4 ~~[(f)]~~ (h) If a covered offender has been convicted of only
5 one covered offense and that covered offense is a misdemeanor,
6 the covered offender shall not be subject to the public access
7 requirements set forth in this section.

8 ~~[(g)]~~ (i) The following message shall be posted at both
9 the site of ~~[internet]~~ Internet access and on-site public access
10 locations:

11 "Information regarding covered offenders is permitted
12 pursuant to chapter 846E. Public access to this
13 information is based solely on the fact of each offender's
14 criminal conviction and is not based on an estimate of the
15 offender's level of dangerousness. By allowing public
16 access to this information, the State makes no
17 representation as to whether the covered offenders listed
18 are dangerous. Any person who uses the information in this
19 registry to injure, harass, or commit a criminal act
20 against any person included in the registry may be subject
21 to criminal prosecution, civil liability, or both."



1 ~~[(h)]~~ (j) The public access provisions of this section
2 shall apply to all covered offenders without regard to the date
3 of conviction.

4 ~~[(i)]~~ (k) "Conviction" as used in this section means:

- 5 (1) A judgment on the verdict, or a finding of guilt after
6 a plea of ~~[+]guilty[+]~~ or nolo contendere, excluding
7 the adjudication of a minor;
- 8 (2) A finding of unfitness to proceed resulting in the
9 release of the covered offender into the community,
10 excluding such a finding as to a minor; or
- 11 (3) An acquittal due to a physical or mental disease,
12 disorder, or defect pursuant to chapter 704 resulting
13 in the release of the covered offender into the
14 community, excluding such acquittal as to a minor."

15 SECTION 7. Section 846E-4, Hawaii Revised Statutes, is
16 amended by amending subsection (e) to read as follows:

17 "(e) The chief of police shall transmit any covered
18 offender registration information required by this chapter to
19 the attorney general, by entering the information into a
20 statewide record system, if the information has not previously
21 been entered into the system, and also shall provide the
22 attorney general with a photograph and fingerprints of the



1 covered offender, taken at the time the covered offender
2 registers with the chief of police. The covered offender shall
3 report in person every five years until June 30, 2009, and
4 beginning on July 1, 2009, every year, within the thirty-day
5 period following the offender's date of birth, to the chief of
6 police where the covered offender's residence is located [~~for~~
7 ~~purposes of having a new photograph taken.~~], or to such other
8 department or agency that may be designated by the attorney
9 general in rules adopted pursuant to chapter 91 for purposes of
10 the administration of this subsection, and shall review the
11 existing information in the registry that is within the
12 offender's knowledge, correct any information that has changed
13 or is inaccurate, provide any new information that may be
14 required, and allow the police and such other department or
15 agency designated by the attorney general to take a current
16 photograph of the offender."

17 SECTION 8. Section 846E-9, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§846E-9 Failure to comply with covered offender
20 registration requirements. (a) A person commits the offense of
21 failure to comply with covered offender registration



1 requirements if the person is required to register under this
2 chapter and the person intentionally, knowingly, or recklessly:

3 (1) Fails to register with the attorney general by
4 providing to the attorney general or the Hawaii
5 criminal justice data center the person's registration
6 information;

7 (2) Fails to report in person every five years until June
8 30, 2009, and beginning on July 1, 2009, once every
9 year, during the thirty-day period following the
10 offender's date of birth, to the chief of police where
11 the covered offender's residence is located, [~~for~~
12 ~~purposes of having a new photograph taken within five~~
13 ~~years after the previous photograph was taken.] or to
14 such other department or agency designated by the
15 attorney general;~~

16 (3) While reporting to the chief of police or such other
17 department or agency designated by the attorney
18 general, fails to correct information in the registry
19 within the offender's knowledge that has changed or is
20 inaccurate regarding information required by section
21 846E-2(d)(1) through (12);



- 1 (4) While reporting to the chief of police or such other
2 department or agency designated by the attorney
3 general, fails to provide new information that may be
4 required by section 846E-2(d)(1) through (12);
- 5 (5) While reporting to the chief of police or such other
6 department or agency designated by the attorney
7 general, does not allow the police or other designated
8 department or agency to take a current photograph of
9 the person;
- 10 ~~[(3)]~~ (6) Fails to register in person with the chief of
11 police having jurisdiction of the area where the
12 covered offender resides or is present within three
13 working days whenever the provisions of section
14 846E-2(g) require the person to do so;
- 15 ~~[(4)]~~ (7) Fails to notify the attorney general or the
16 Hawaii criminal justice data center of a change of any
17 of the covered offender's registration information in
18 writing within three working days of the change;
- 19 ~~[(5)]~~ (8) Provides false registration information to the
20 attorney general, the Hawaii criminal justice data
21 center, or a chief of police;



1 ~~[(6)]~~ (9) Signs a statement verifying that all of the
2 registration information is accurate and current when
3 any of the registration information is not
4 substantially accurate and current;

5 ~~[(7)]~~ (10) Having failed to establish a new residence
6 within the ten days while absent from the person's
7 registered residence for ten or more days:

8 (A) Fails to notify the attorney general in writing
9 within three working days that the person no
10 longer resides at the person's registered
11 residence; or

12 (B) Fails to report to a police station in the
13 [State] state by the last day of every month;

14 or

15 ~~[(8)]~~ (11) Fails to mail or deliver the periodic
16 verification of registration information form to the
17 attorney general within ten days of receipt, as
18 required by section 846E-5; provided that it shall be
19 an affirmative defense that the periodic verification
20 form mailed to the covered offender was delivered when
21 the covered offender was absent from the registered
22 address and the covered offender had previously



1 notified the Hawaii criminal justice data center that
2 the covered offender would be absent during the period
3 that the periodic verification form was delivered.

4 (b) ~~[Any person required to register under this chapter~~
5 ~~who intentionally or knowingly violates subsection (a) shall be~~
6 ~~guilty of]~~ Failure to comply with covered offender registration
7 requirements is a class C felony.

8 ~~[(c) Any person required to register under this chapter~~
9 ~~who recklessly violates subsection (a) shall be guilty of a~~
10 ~~misdemeanor.~~

11 ~~(d) For any second or subsequent offense, any person~~
12 ~~required to register under this chapter who intentionally,~~
13 ~~knowingly, or recklessly violates subsection (a) shall be guilty~~
14 ~~of a class C felony.] "~~

15 SECTION 9. Section 846E-10, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[+]§846E-10[+] Termination of registration requirements.

18 (a) Tier 3 offenses. A covered offender whose ~~[most serious~~
19 ~~covered offense is a class A felony or its non-Hawaii~~
20 ~~equivalent, who has substantially complied with the registration~~
21 ~~requirements of this chapter for the previous twenty five years,~~
22 ~~who is not a sexually violent predator, who is not an aggravated~~



1 ~~sex offender, and who is not a repeat covered offender, may~~
2 ~~petition the court, in a civil proceeding, for termination of~~
3 ~~registration requirements on the ground that registration is no~~
4 ~~longer necessary for the protection of the public.] covered~~
5 offense is any of the following offenses shall register for life
6 and, except as provided in subsection (e), may not petition the
7 court, in a civil proceeding, for termination of registration
8 requirements:

- 9 (1) Any offense set forth in section 707-730(1)(a), (b),
10 (d), or (e), 707-731(1)(a) or (b), 707-732(1)(a), (b),
11 or (f), or 707-733.6;
- 12 (2) An offense set forth in section 707-720; provided that
13 the offense involves kidnapping of a minor by someone
14 other than a parent;
- 15 (3) An offense that is an attempt, criminal solicitation,
16 or criminal conspiracy to commit any of the offenses
17 in paragraph (1) or (2);
- 18 (4) Any criminal offense that is comparable to one of the
19 offenses in paragraph (1), (2), or (3); or
- 20 (5) Any federal, military, or out-of-state offense that is
21 comparable to one of the offenses in paragraph (1),
22 (2), or (3).



1 (b) A repeat covered offender shall register for life and,
2 except as provided in subsection (e), may not petition the
3 court, in a civil proceeding, for termination of registration
4 requirements.

5 [~~(b)~~] (c) Tier 2 offenses. A covered offender [~~whose most~~
6 ~~serious covered offense is a class B felony or its non-Hawaii~~
7 ~~equivalent,~~] who has maintained a clean record for the previous
8 twenty-five years, excluding any time the offender was in
9 custody or civilly committed, and who has substantially complied
10 with the registration requirements of this chapter for the
11 previous [~~fifteen~~] twenty-five years, or for the portion of that
12 twenty-five years that this chapter has been applicable, and who
13 is not [~~a sexually violent predator, who is not an aggravated~~
14 ~~sex offender, and who is not]~~ a repeat covered offender[~~7~~] may
15 petition the court, in a civil proceeding, for termination of
16 registration requirements [~~on the ground that registration is no~~
17 ~~longer necessary for the protection of the public.]; provided~~
18 that the covered offender's most serious covered offense is one
19 of the following:

20 (1) Any offense set forth in section 707-730(1)(c), 707-
21 731(1)(c), 707-732(1)(c), 707-750, 707-751, 712-
22 1202(1)(b), or 712-1203(1)(b);



1 (2) An offense set forth in section 707-720; provided that
2 the charging document for the offense for which there
3 has been a conviction alleged intent to subject the
4 victim to a sexual offense;

5 (3) An offense set forth in section 707-756 that includes
6 an intent to promote or facilitate the commission of
7 another felony covered offense as defined in section
8 846E-1;

9 (4) An offense that is an attempt, criminal solicitation,
10 or criminal conspiracy to commit any of the offenses
11 in paragraph (1), (2), or (3);

12 (5) Any criminal offense that is comparable to one of the
13 offenses in paragraph (1), (2), (3), or (4); or

14 (6) Any federal, military, or out-of-state offense that is
15 comparable to one of the offenses in paragraph (1),
16 (2), (3), or (4).

17 ~~[(e)]~~ (d) Tier 1 offenses. A covered offender ~~[whose most~~
18 ~~serious covered offense is a class C felony or its non-Hawaii~~
19 ~~equivalent, or a misdemeanor or its non-Hawaii equivalent,]~~ who
20 has maintained a clean record for the previous ten years,
21 excluding any time the offender was in custody or civilly
22 committed, and who has substantially complied with the



1 registration requirements of this chapter for the previous ten
2 years, or for the portion of that ten years that this chapter
3 has been applicable, and who is not [a sexually violent
4 predator, who is not an aggravated sex offender, and who is not]
5 a repeat covered offender[7] may petition the court, in a civil
6 proceeding, for termination of registration requirements [~~on the~~
7 ~~ground that registration is no longer necessary for the~~
8 ~~protection of the public.~~]; provided that the covered offender's
9 most serious covered offense is one of the following:

- 10 (1) Any offense set forth in section 707-732(1)(d) or (e),
11 707-733(1)(a), 707-752, 707-
12 (2) An offense set forth in section 707-721 or 707-722;
13 provided that the offense involves unlawful
14 imprisonment of a minor by someone other than a
15 parent;
16 (3) An offense set forth in section 707-757 that includes
17 an intent to promote or facilitate the commission of
18 another covered offense as defined in section 846E-1;
19 (4) An offense that is an attempt, criminal solicitation,
20 or criminal conspiracy to commit any of the offenses
21 in paragraph (1), (2), or (3);



1 (5) Any criminal offense that is comparable to one of the
2 offenses in paragraph (1), (2), (3), or (4); or

3 (6) Any federal, military, or out-of-state offense that is
4 comparable to one of the offenses in paragraph (1),
5 (2), (3), or (4).

6 (e) Notwithstanding any other provisions in this section,
7 any covered offender, forty years after the covered offender's
8 date of release or sentencing, whichever is later, for the
9 covered offender's most recent covered offense, may petition the
10 court, in a civil proceeding, for termination of registration
11 requirements.

12 (f) In the civil proceeding for termination of
13 registration requirements, the State shall be represented by the
14 attorney general; provided that the attorney general, with the
15 prosecuting agency's consent, may designate the prosecuting
16 agency that prosecuted the covered offender for the most recent
17 covered offense within the state to represent the State. For
18 covered offenders who have never been convicted of a covered
19 offense within the State of Hawaii, the attorney general shall
20 represent the State; provided that the attorney general, with
21 the prosecuting agency's consent, may designate the prosecuting
22 agency for the county in which the covered offender resides to



1 represent the State. The court may order this termination upon
2 substantial evidence and more than proof by a preponderance of
3 the evidence that:

4 (1) The covered offender has met the statutory
5 requirements of eligibility to petition for
6 termination;

7 (2) The covered offender has substantially complied with
8 registration requirements;

9 (3) The covered offender is very unlikely to commit a
10 covered offense ever again; and

11 (4) Registration by the covered offender will not assist
12 in protecting the safety of the public or any member
13 thereof.

14 ~~[(a)]~~ (g) A denial by the court for relief pursuant to a
15 petition under this section shall preclude the filing of another
16 petition for five years from the date of the last denial."

17 SECTION 10. Sections 846E-11 Hawaii Revised Statutes, is
18 repealed.

19 ~~["§846E-11] Presumptions; civil proceeding. (a) For any~~
20 ~~civil proceeding required or permitted by this chapter, the~~
21 ~~following presumptions shall apply:~~



1 ~~(1) For a covered offender who is a sexually violent~~
2 ~~predator, an aggravated sex offender, or a repeat~~
3 ~~covered offender, there shall be a presumption that~~
4 ~~the covered offender's registration requirement and~~
5 ~~public access shall continue,~~

6 ~~(2) For a covered offender convicted of a class C felony~~
7 ~~or a misdemeanor who is not a sexually violent~~
8 ~~predator, an aggravated sex offender, or a repeat~~
9 ~~covered offender, there shall be a presumption that~~
10 ~~the covered offender's registration requirement and~~
11 ~~public access shall end, and~~

12 ~~(3) For all other covered offenders, there shall be no~~
13 ~~presumption concerning the covered offender's~~
14 ~~registration requirement and public access.~~

15 ~~(b) The presumptions created in this section shall not~~
16 ~~apply to criminal proceedings initiated pursuant to section~~
17 ~~846E-9."]~~

18 SECTION 11. Section 846E-13, Hawaii Revised Statutes, is
19 repealed.

20 ~~["§846E-13] Determination of whether a sex offender is a~~
21 ~~sexually violent predator. Whenever a petition for termination~~
22 ~~of registration requirements is filed pursuant to section~~



1 ~~846E-10, or upon petition by the State at any time after a~~
2 ~~determination of guilt, a court, in a civil proceeding, shall~~
3 ~~make a determination as to whether a sex offender is a sexually~~
4 ~~violent predator. The determination of whether a person is a~~
5 ~~sexually violent predator for purposes of this section shall be~~
6 ~~made by a court after considering the recommendation of a board,~~
7 ~~appointed by the chief justice of the supreme court, composed of~~
8 ~~experts in the behavior and treatment of sex offenders, victims'~~
9 ~~rights advocates, and representatives of law enforcement~~
10 ~~agencies. The State and the sex offender may, at their~~
11 ~~discretion and expense, select additional experts in the field~~
12 ~~of psychiatry or psychology to conduct additional evaluations of~~
13 ~~the covered offender. The court shall make a determination as~~
14 ~~to whether or not the sex offender is a sexually violent~~
15 ~~predator for purposes of this chapter."]~~

16 PART III

17 SECTION 12. The federal Sex Offender Registration and
18 Notification Act is Title I of the Adam Walsh Child Protection
19 and Public Safety Act of 2006, Public Law No. 248-109, (Adam
20 Walsh Act). The Adam Walsh Act requires the fifty states, the
21 District of Columbia, the five principal United States
22 territories, and federally recognized Indian tribes that



1 function as sex offender registration jurisdictions to conform
2 their laws by July 29, 2009, to guidelines for sex offender
3 registration adopted by the Department of Justice. If a
4 jurisdiction fails to substantially comply with the guidelines,
5 the jurisdiction faces the loss of ten per cent of any federal
6 funds it may receive pursuant to the Edward Byrne Memorial
7 Justice Assistance Grant program.

8 SECTION 13. (a) There is established the Adam Walsh Act
9 compliance working group. The working group shall be composed
10 of the following:

- 11 (1) The attorney general;
- 12 (2) The director of public safety;
- 13 (3) The director of the office of youth services;
- 14 (4) The state public defender;
- 15 (5) The administrative director of the courts;
- 16 (6) The chief of police of the city and county of
17 Honolulu;
- 18 (7) A member of the Hawaii Prosecuting Attorneys
19 Association;
- 20 (8) A representative of a victim advocacy program who is
21 not employed with an agency or entity otherwise



- 1 represented on the working group and who shall be
2 selected by the attorney general;
- 3 (9) A representative of the American Civil Liberties
4 Union; and
- 5 (10) A representative of the Hawaii Criminal Defense
6 Attorneys Association.
- 7 (b) The working group shall:
- 8 (1) Determine which Hawaii laws, including chapter 846E,
9 Hawaii Revised Statutes, need to be amended and
10 whether any new laws need to be enacted to comply with
11 the Adam Walsh Act and the Department of Justice
12 guidelines implementing it; including provisions on:
- 13 (A) Registration of juveniles;
- 14 (B) Lifetime registration;
- 15 (C) More frequent periodic in-person verification;
16 and
- 17 (D) Classification of most serious covered offenses
18 and duration of registration requirements for
19 tier 1 offenses;
- 20 (2) Identify what resources are necessary for the State to
21 implement any new or amended laws to comply with the



- 1 Adam Walsh Act and the Department of Justice
2 guidelines implementing it;
- 3 (3) Identify all sources of funding, including federal
4 grants and legislative appropriations, that may be
5 available to implement programs necessary for
6 compliance with the Adam Walsh Act and the Department
7 of Justice guidelines implementing it;
- 8 (4) Consider whether the additional costs that may be
9 incurred to comply with the Adam Walsh Act and the
10 Department of Justice guidelines implementing it
11 outweigh the Edward Byrne Memorial Justice Assistance
12 Grant funds that would be retained by compliance and
13 any other benefits attributable to compliance;
- 14 (5) Review the provisions of Part II of this Act, as those
15 measures pertain to the sex offender registry laws;
16 and
- 17 (6) Draft proposed legislation necessary to bring the
18 State into compliance with the Adam Walsh Act and the
19 Department of Justice guidelines implementing it.
- 20 (c) The department of the attorney general shall convene
21 the working group and provide the administrative, technical, and



1 clerical support services necessary to assist the working group
2 in achieving its purpose as required under this Act.

3 (d) The working group shall submit a report of its
4 findings and recommendations, including any proposed legislation
5 to the legislature, no later than twenty days prior to the
6 convening of the regular session of 2009.

7 (e) The Adam Walsh Act compliance working group shall
8 cease to exist after June 30, 2009.

9 PART IV

10 SECTION 14. Except for Section 8 of this Act, part II of
11 this Act shall apply to any acts committed prior to, on, or
12 after the effective date of Part II of this Act.

13 SECTION 15. Part I of this Act and Section 8 of this Act
14 do not affect rights and duties that matured, penalties that
15 were incurred, and proceedings that were begun, before the
16 effective date of this Act.

17 SECTION 16. If any provision of this Act, or the
18 application thereof to any person or circumstance is held
19 invalid, the invalidity does not affect other provisions or
20 applications of the Act, which can be given effect without the
21 invalid provision or application, and to this end the provisions
22 of this Act are severable.

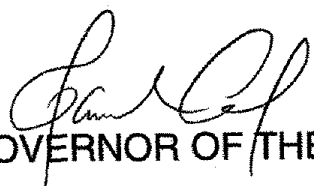


1 SECTION 17. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 18. This Act shall take effect upon its approval;
4 provided part II of this Act shall take effect on January 1,
5 2009.

APPROVED this 16 day of MAY, 2008

JAMES R. AIONA JR.



ACTING GOVERNOR
GOVERNOR OF THE STATE OF HAWAII

