

JAN 22 2007

A BILL FOR AN ACT

RELATING TO NAME CHANGES.

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

1 SECTION 1. Section 574-5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) It shall be unlawful to change any name adopted or
4 conferred under this chapter, except:

5 (1) Upon an order of the lieutenant governor;

6 (2) By a final order, decree, or judgment of the family
7 court issued as follows:

8 (A) When in an adoption proceeding a change of name
9 of the person to be adopted is requested and the
10 court includes the change of name in the adoption
11 decree;

12 (B) When in a divorce proceeding either party to the
13 proceeding requests to resume the middle name or
14 names and the last name used by the party prior
15 to the marriage or a middle name or names and
16 last name declared and used during any prior
17 marriage and the court includes the change of
18 names in the divorce decree; or

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1 (C) When in a proceeding for a change of name of a
2 legitimate or legitimated minor initiated by one
3 parent, the family court, upon proof that the
4 parent initiating the name change has made all
5 reasonable efforts to locate and notify the other
6 parent of the name change proceeding but has not
7 been able to locate, notify, or elicit a response
8 from the other parent, and after an appropriate
9 hearing, orders a change of name determined to be
10 in the best interests of the minor; provided that
11 the family court may waive the notice requirement
12 to the noninitiating, noncustodial parent where
13 the court finds that the waiver is necessary for
14 the protection of the minor;

- 15 (3) Upon marriage pursuant to section 574-1;
16 (4) Upon legitimation pursuant to section 338-21; or
17 (5) By an order or decree of any court of competent
18 jurisdiction within any state of the United States,
19 the District of Columbia, the Commonwealth of Puerto
20 Rico, or any territory or possession of the United
21 States, changing the name of a person born in this
22 State.

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1 Any law to the contrary notwithstanding, no person who is a
2 covered offender subject to the registration requirements of
3 section 846E-2 may obtain a name change, other than as provided
4 in paragraph (2), (3), (4), or (5), unless a court determines
5 that it is in the best interest of justice to grant the petition
6 and that doing so will not adversely affect the public safety."

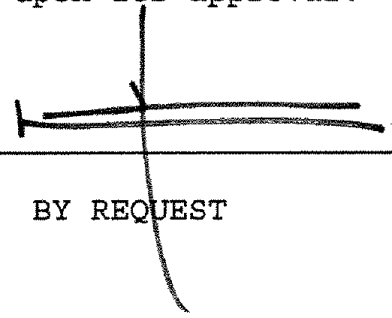
7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



11

BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO NAME CHANGES.

PURPOSE: To prohibit covered offenders subject to registration requirements from petitioning for name changes from the Lieutenant Governor.

MEANS: Amend section 574-5(a), Hawaii Revised Statutes.

JUSTIFICATION: Covered offenders who are required to register should not be allowed to petition the Lieutenant Governor for a name change that could result in confusion, difficulty in tracking an offender, and difficulty in enforcing the requirements of chapter 846E, Hawaii Revised Statutes.

Impact on the public: There will be one less avenue for the covered offender to potentially avoid the covered offender registration requirements.

Impact on the department and other agencies: This bill will ultimately lead to more effective registration of covered offenders if they are precluded from potentially avoiding the registration requirements by changing their names for no legal purpose.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: Judiciary, county police, county prosecutors, the Office of the Public Defender, and the Office of the Lieutenant Governor.

EFFECTIVE DATE: Upon approval.