

STAND. COM. REP. NO. 1595 -08

Honolulu, Hawaii

Apr 1, 2008

RE: S.B. No. 2080
S.D. 2
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2080, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TEACHER LICENSURE,"

begs leave to report as follows:

The purpose of this bill is to ensure the safety of our students in the public schools by requiring the Hawaii Teacher Standards Board (HTSB) to revoke a teacher's license when the teacher has been convicted of certain sexual offenses against a minor.

The Department of Education, HTSB, and Hawaii State Teachers Association supported this bill.

Your Committee acknowledges that a teacher lawfully convicted of a sexual offense should not, as a general matter, be allowed to continue to maintain a teacher's license. However, without certain procedural safeguards to allow for cases of mistaken identity, wrongful conviction, or other extenuating circumstances, the method for automatic revocation of a license provided by this measure would fail to pass constitutional muster.

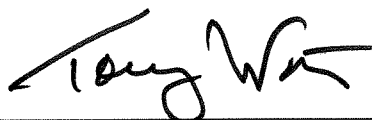


Accordingly, your Committee has amended this bill by:

- (1) Allowing for the automatic suspension, not revocation, of a teacher's license upon conviction of any of those sexual offenses within the scope of Hawaii's sexual offender registry law;
- (2) Providing that upon a teacher's suspension, HTSB is to initiate proceedings for revocation of the teacher's license;
- (3) Ensuring a teacher's right to seek reconsideration of the suspension or revocation of licensure; and
- (4) Making technical, nonsubstantive changes for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2080, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2080, S.D. 2, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



TOMMY WATERS, Chair



