

Honolulu, Hawaii

March 31, 2008

RE: S.B. No. 2363  
S.D. 2  
H.D. 1

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. 2363, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT,"

begs leave to report as follows:

The purpose of this bill is to provide additional protection to mentally disabled persons who lack the capacity to consent to sexual acts by establishing strict liability for the offense of sexual assault against persons who are mentally defective.

The Disability and Communications Access Board, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Hawaii Disability Rights Center, Hawaii Centers for Independent Living, Sex Abuse Treatment Center, and several concerned individuals supported this bill. The Office of the Public Defender, and The Arc in Hawaii submitted comments.

Your Committee has amended this measure by changing its effective date to January 1, 2112, to encourage further discussion. Technical, nonsubstantive amendments were also made for style, clarity, and consistency.

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. 2363, S.D. 2, as amended herein, and recommends that it pass



Second Reading in the form attached hereto as S.B. No. 2363, S.D. 2, H.D. 1, and be placed on the calendar for Third Reading.

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



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TOMMY WATERS, Chair



