

Honolulu, Hawaii

March 20, 2008

RE: S.B. No. 2886
S.D. 1
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 Human Services & Housing, to which was referred S.B. No. 2886, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHILD ABANDONMENT,"

begs leave to report as follows:

The purpose of this bill is to deter acts of child abandonment by:

- (1) Establishing the offense of "abandonment of a child in the second degree" and makes it a misdemeanor to abandon a child by leaving the child with a person in reckless disregard of the risk that the person's identity and work and home addresses are unknown; and
- (2) Renaming the existing offense of "abandonment of a child" as "abandonment of a child in the first degree" and increasing the offense to a class C felony.

The Honolulu Police Department (HPD) opposed this bill.

Your Committee recognizes the concerns raised by HPD that include what constitutes abandonment, and how a person's true identity can be proved. HPD also raised concerns regarding police investigations, and how a parent who is a suspect could also be a witness, thereby hindering an investigation.



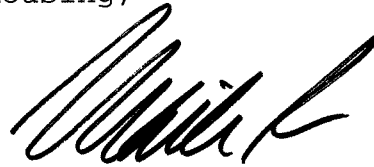
However, your Committee is also cognizant of situations such as the Peter Boy Kema case. Peter Boy Kema disappeared over ten years ago and the case is still unresolved. Some accounts state that Peter Boy was given to a person whose existence cannot be proven. Because of situations like these, your Committee believes that this measure is worthy of further discussion and notes the bill has an effective date of July 1, 2050.

Your Committee has amended this bill by providing that a person commits abandonment of a child in the second degree if they leave the child with another in reckless disregard of the risk that:

- (1) Proof of the other person's existence cannot be confirmed or validated through social security or other similar types of records; or
- (2) The person that the child is left with cannot be located or found.

As affirmed by the record of votes of the members of your Committee on Human Services & Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2886, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2886, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Housing,



MAILE SHIMABUKURO, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 1272-08

Record of Votes of the Committee on Human Services & Housing

Bill/Resolution No.: SB 2886 SD1	Committee Referral: HSH, JUD	Date: March 18, 2008		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HSH Members	Ayes	Ayes (WR)	Nays	Excused
1. SHIMABUKURO, Maile S. L. (C)	X			
2. RHOADS, Karl (VC)	X			
3. AWANA, Karen Leinani				X
4. BELATTI, Della Au				X
5. BERTRAM, Joe, III	X			
6. CABANILLA, Rida T.R.	X			
7. GREEN, Josh, M.D.	X			
8. MIZUNO, John	X			
9. TOKIOKA, James Kunane				X
10. WARD, Gene, Ph.D.	X			
TOTAL (10)	7			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				