STAND. COM. REP. NO. **603** -08

Honolulu, Hawaii

A = 2 , 2008

RE:

S.B. No. 2886

S.D. 1 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. 2886, S.D. 1, H.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 making it a misdemeanor to abandon a child by leaving the child with a person in reckless disregard of the risk that:
  - (A) Proof of the other person's existence cannot be confirmed or validated through Social Security or other similar types of records; or
  - (B) The person that the child is left with cannot be located or found;

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 Children's Alliance of Hawaii testified in support of this bill. The Office of the Public Defender and Honolulu Police Department opposed this measure.

Your Committee has amended this measure by:

- (1) Deleting the provision establishing the offense of "abandonment of a child in the second degree";
- (2) Deleting language 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;
- (3) Inserting language that includes as abandonment of a child, leaving a child with another person knowing that the person either cannot prove the other person's identity through official records such as a birth certificate, school diploma, court documents, employment applications, Social Security records, or documents proving next of kin; or subsequently will not be able to locate or find the other person; and
- (4) Making technical, nonsubstantive amendments 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. 2886, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2886, S.D. 1, H.D. 2.

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



## State of Hawaii House of Representatives The Twenty-fourth Legislature

## HSCR 1603-08

## Record of Votes of the Committee on Judiciary

			Date: 3-27-06	
The committee is reconsidering its previous decision on the measure.				
The recommendation is to:   Pass, unamended (as is)   Pass, with amendments (HD) 2   Hold				
☐ Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	/			
2. OSHIRO, Blake K. (VC)	-			
3. EVANS, Cindy				
4. GREEN, Josh, M.D.				
5. ITO, Ken				
6. LUKE, Sylvia	^			
7. McKELVEY, Angus L.K.	1			
8. MORITA, Hermina M.	/			
9. SONSON, Alex M.				
10. SOUKI, Joseph M.				
11. TSUJI, Clift				
12. YAMANE, Ryan I.			and the second s	
13. YAMASHITA, Kyle T.				
14. MARUMOTO, Barbara C.				
15. PINE, Kymberly Marcos				
16. THIELEN, Cynthia				
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TOTAL (16)	12	0	0	+
The recommendation is: ☐ Adopted ☐ Not Adopted				
If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				