

Honolulu, Hawaii

A-22, 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,


TOMMY WATERS, Chair



