

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 3040
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 3040, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose of this measure is to strengthen Hawaii's laws
against sexual predation of minors and the registration of
offenders who commit these and other sexual offenses.

This measure:

- (1) Creates two criminal offenses of electronic enticement
of a child in the third degree, a misdemeanor, and
indecent electronic display to a child, a class C
felony;
- (2) Updates the repeat offender sentencing law to include
the offense of failure to comply with covered offender
registration requirements and the new offense of
electronic display to a child;
- (3) Provides greater protection to children by adding a
mandatory sentencing provision to the offense of
electronic enticement of a child in the first degree;
and



- (4) Clarifies the sex offender registry laws to increase the reporting information so that the whereabouts of sex offenders may be known at any given time.

Your Committee received testimony in support of this measure from the State Attorney General; Honolulu Prosecuting Attorney; Honolulu Police Department; Hawaii County Police Department; Maui Prosecuting Attorney; Maui Police Department; The Children's Alliance of Hawaii, Inc.; and Hawaii Family Forum. Testimony in opposition was received from the State Public Defender and American Civil Liberties Union of Hawai'i.

Your Committee finds that with the widespread use and acceptance of the Internet and computers as tools for social networking and the anonymity it appears to provide, children and teens are at a greater risk for victimization by persons who seek out minors for sexual purposes. Perhaps there can be no class of individuals who are more vulnerable than our children. Each day there are media reports of countless numbers of online predators utilizing the Internet to target and prey upon innocent and unsuspecting children. Unfortunately, these predators abuse modern day technology to covertly invade what is considered to be the most secure of places, the home. Sadly, there have been numerous real life cases that have ended in unimaginable tragedy.

Your Committee is cognizant that one of the arguments of the State Public Defender is that studies have shown that the lowest cases of recidivism occur when the offender is subject to treatment and monitoring. However, it is the responsibility of the Legislature to provide for policies that promote public safety. In balancing the equities, your Committee prefers to err on the side of caution to protect children.

Your Committee has amended this measure by:

- (1) Deleting its contents and inserting provisions of S.B. No. 2962, S.D. 1, a companion measure, without inclusion of the amendments to the sex offender registry laws, inasmuch as the Adam Walsh Act Compliance Working Group (H.B. No. 2998, S.D. 1) will study that issue and report to the Legislature accordingly for the 2009 Regular Session;
- (2) Changing the effective date from January 1, 2112 to July 1, 2050 to continue the discussions in this matter; and



(3) Making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3040, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3040, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.


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


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 3040 HD1	JDL	3-17-08		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	✓			
HEE, Clayton (VC)				✓
GABBARD, Mike	✓			
KOKUBUN, Russell S.				✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	4	-	-	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em; margin-top: 5px;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes