

STAND. COM. REP. NO.

2336

Honolulu, Hawaii

FEB 14 2008

RE: S.B. No. 2363
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 Health, to which was referred S.B. No. 2363
entitled:

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

begs leave to report as follows:

The purpose of this measure is to promote the health and
safety of developmentally disabled individuals by protecting them
from sexual predation.

Specifically, this measure holds perpetrators strictly liable
for sexual assault against persons who are mentally defective.

Your Committee received testimony in support of the intent of
this measure from the Department of the Prosecuting Attorney, the
City and County of Honolulu Police Department, and one individual.

Your Committee finds that the developmentally disabled are a
vulnerable population in our communities that need to be
adequately protected in a manner similar to that given to minors
in the State's Penal Code. Your Committee further finds that
Hawaii's Penal Code currently makes sexual penetration or contact
with minors under a certain age a "strict liability" offense, one
in which proof of specific criminal intent is not required.

Your Committee has amended this measure by:

- (1) Adopting the recommendations of the Department of the
Prosecuting Attorney and inserting language that




clarifies the intended strict liability for sexual assault against persons who are mentally defective; and

- (2) Making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2363, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2363, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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




DAVID Y. IGE, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SB 2363	Committee Referral: HTH, JDL	Date: 02-11-08		
<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
IGE, David Y. (C)	✓			
FUKUNAGA, Carol (VC)	✓			
BAKER, Rosalyn H.	✓			
MENOR, Ron				✓
WHALEN, Paul	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes