

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2962

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
S.B. No. 2962 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.

Specifically, this measure would:

- (1) Establish a new offense to address instances of
electronic enticement of children where a predator
attempts to lure or solicit a minor or arrange a meeting
with a minor over the Internet with intent to commit a
sex offense or crime against minors, regardless of
whether the predator actually attends the arranged
meeting;
- (2) Establish a new offense to address a specific form of
grooming conduct by child predators involving
masturbation or the lewd or lascivious exposure of the
predator's genitals over the computer for view by a
minor;
- (3) Amend the repeat offender sentencing law to include the
offense of failure to comply with covered offender



registration requirements and the new offense of indecent electronic display to a child;

- (4) Amend the offense of promoting child abuse in the second degree to address instances of possession of particularly violent or egregious child pornography;
- (5) Clarify the element of electronic enticement of a child in the first degree regarding the intent to promote or facilitate the commission of another crime;
- (6) Provide greater protection for children by adding mandatory sentencing provisions for certain serious child abuse and electronic enticement offenses; and
- (7) Amend Hawaii's sex offender registration laws to comply with parts of Title I of the Adam Walsh Child Protection and Safety Act of 2006, also known as the Sex Offender Registration and Notification Act, to enable the Hawaii sex offender registration program to effectively participate with the nationwide network of sex offender registries.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, the Police Departments of the County of Hawaii, the City and County of Honolulu, and the County of Maui, and a concerned citizen. Your Committee received late testimony in support of the measure from the Department of the Attorney General and the Department of the Prosecuting Attorney of the County of Maui. Late testimony in opposition to the measure was received from the Office of the Public Defender.

Your Committee did not amend language in this bill that would conform chapter 846E, Hawaii Revised Statutes, to the national Sex Offender Registration and Notification Act. Affected provisions involve, among other things, access to registration information (expanding personal data about each offender that must be reported and made available to the public) and termination of registration (replacing current provisions with a system that categorizes offenses as tier 1, tier 2, and tier 3 offenses).

Your Committee has amended the measure to include an effective date of July 1, 2080, to allow consideration of revisions to chapter 846E. While your Committee recognizes that



members of the public look at information on the sex offender registry website, the extent to which public notification enhances public safety by reducing recidivism deserves careful analysis as this measure moves through the legislative process.

Your Committee has also amended this measure by:

- (1) Adding an agreement to meet as an element of the new offense of electronic enticement in the third degree;
- (2) Restoring the element of travel to the offense of electronic enticement in the second degree;
- (3) Adding references to sections 2 and 7 of the measure to the "savings clause" in section 16 of the measure because section 2 creates a new criminal offense and section 7 expands an existing offense such that, absent inclusion in the "savings clause," those provisions might run afoul of the prohibition on ex post facto laws in the United States Constitution; and
- (3) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 S.B. No. 2962, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2962, S.D. 1, and be placed on the calendar for Third Reading.

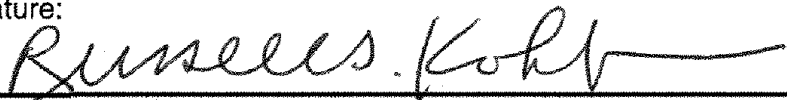
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


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:		
SB 2962	JDL	2/25/08		
<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:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes