

Testimony on behalf of the
Office of the Public Defender, State of Hawai'i
to the Senate Committee on Judiciary and Labor

March 12, 2008

RE: H.B.2998, HD1: A Bill for an Act Relating To Sex Offender Registration.

Senator Taniguchi and Members of the Committee:

H.B. 2998, HD 1 proposes to create a working group to examine Hawaii's sex offender registration laws for the purpose of determining what changes, if any, need to be made in order to bring our statutes into compliance with federal sex offender registration and notification requirements. In addition to determining what changes might be required in our laws to become compliant with federal requirements, the working group would also consider the cost in resources to bring our laws into compliance and identify sources of funding those costs. The working group would also consider the pros and cons of making any changes that compliance would require.

We support the concept of carefully examining what, if any, statutory changes are required to comply with federal law, as well as whether it is advisable for Hawaii to make those changes. We understand that the goal of sex offender notification and registration is to enhance public safety. However, we note that changing our laws for the sole purpose of complying with federal legislation may not be the wisest course of action without considering what those changes will cost in terms of money and resources and, most importantly, whether those changes will actually enhance public safety.

Regarding the make-up of the working group, we would suggest that it is most helpful to have a balance of backgrounds. As there are four representatives from the law enforcement side (the attorney general, the director of public safety, the chief of police of Honolulu, and a prosecutor) and only one member from the defense side (the state public defender), we would suggest an additional representative from either the Hawaii Association of Criminal Defense Attorneys (HACDL) or from the American Civil Liberties Union (ACLU).

With that suggestion, we support passage of HB 2998, HD 1.

Thank you for the opportunity to comment on this bill.

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

CLAYTON A. FRANK
DIRECTOR

DAVID F. FESTERLING
Deputy Director
Administration

TOMMY JOHNSON
Deputy Director
Corrections

JAMES L. PROPOTNICK
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON HOUSE BILL 2998 HD1
RELATING TO SEX OFFENDER REGISTRATION**

by

Clayton A. Frank, Director
Department of Public Safety

Committee on Judiciary and Labor
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

Wednesday, March 12, 2008, 9:00 a.m.
State Capitol, Conference Room 016

Senator Taniguchi, Senator Hee, and Members of the Committee:

The purpose of House Bill 2998 HD1 is to establish a working group to determine what changes to Hawaii laws are necessary for Hawaii to comply with the federal Adam Walsh Act.

The Department of Public Safety supports the intent of House Bill 2998 HD1 but believes this measure is unnecessary and is concerned that general fund appropriations will displace the priorities listed in the Executive Supplemental Budget. As an alternative to establishing a working group and appropriating funds, the matter should be referred to the state's Sex Offender Management Team (SOMT), a committee established by H.R.S. 353-E in 1992. The SOMT membership already consists of the agencies proposed by HB 2998 HD1 in addition to federal probation, the Honolulu prosecutor's office, and private sector agencies, and been working with the subject matter and the Adam Walsh

House Bill 2998 HD1
March 12, 2008
Page 2

Act for several years. Thus, this team is very familiar not only with the subject matter, but with the intrinsic difficulties involved in implementation.

Thank you for the opportunity to testify on behalf of this bill.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU
801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • INTERNET: www.honoluluupd.org

MUFI HANNEMANN
MAYOR



BOISSE P. CORREA
CHIEF

PAUL D. PUTZULU
MICHAEL D. TUCKER
DEPUTY CHIEFS

OUR REFERENCE JC-NTK

March 12, 2008

The Honorable Brian T. Taniguchi, Chair
and Members
Committee on Judiciary and Labor
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Members:

Subject: House Bill No. 2998, H.D. 1, Relating to Sex Offender Registration

I am Carlton S. Nishimura, Major of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes House Bill No. 2998, H.D. 1, Relating to Sex Offender Registration.

We believe it is not necessary to establish a working group. The changes to the Sex Offender Registration and Notification Act (SORNA) to be in compliance with the guidelines are excellent. We are working with the Department of the Attorney General to implement SORNA on July 1, 2009.

Thank you for the opportunity to testify.

Sincerely,

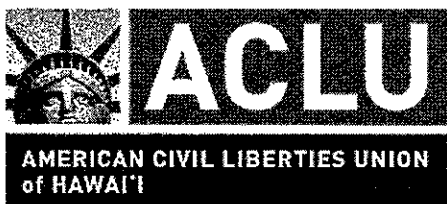
Handwritten signature of Carlton S. Nishimura in black ink.

CARLTON S. NISHIMURA, Major
Criminal Investigation Division

APPROVED:

Handwritten signature of Boisse P. Correa in black ink.

for BOISSE P. CORREA
Chief of Police



BY EMAIL: testimony@capitol.hawaii.gov

Committee: Committee on Judiciary and Labor
Hearing Date/Time: Wednesday, March 12, 2008, 9:00 a.m.
Place: Room 016
Re: *Testimony of the ACLU of Hawaii to Offer Comments on HB 2998, HD1, Relating to Sex Offender Registration*

Dear Chair Taniguchi and Members of the Committee on Judiciary and Labor:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes to offer comments to HB 2998, HD1, to supplement our oral testimony at the hearing.

The ACLU of Hawaii would like this bill to be amended to name the ACLU of Hawaii as a member of the working group. Our participation in the previous sex offender registry task force demonstrates that we have the experience and knowledge necessary to also participate in this working group. Further, the participation of an independent legal organization will maintain the balance needed among the members to ensure that individual rights are maintained.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Daniel M. Gluck
Senior Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

LATE



**TESTIMONY OF THE STATE ATTORNEY GENERAL
TWENTY-FOURTH LEGISLATURE, 2008**

ON THE FOLLOWING MEASURE:

H.B. NO. 2998, H.D. 1, RELATING TO SEX OFFENDER REGISTRATION.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Wednesday, March 12, 2008 **TIME:** 9:00 AM

LOCATION: State Capitol, Room 016

Deliver to State Capitol, Room 219, 1 Copy

TESTIFIER(S): Mark J. Bennett, Attorney General
or Lance M. Goto, Deputy Attorney General

Chair Taniguchi and Members of the Committee:

The Attorney General provides the following comments regarding this bill.

This bill establishes a working group to determine what changes in Hawaii law are necessary to comply with the federal Adam Walsh Act, and whether the costs of compliance outweigh the loss of ten percent of Department of Justice grant funds that will result from noncompliance.

In our testimony to the House Committee on Judiciary, we opposed this bill because we believed that the working group was intended to substitute for legislation - specifically H.B. 3040 - that would address certain requirements of the Adam Walsh Act during the 2008 legislative session.

In discussions following that hearing, however, House Judiciary Vice Chair Blake Oshiro assured us that the working group is not intended to serve in place of the substantive provisions of H.B. 3040, but rather in addition to those provisions. Thus, H.B. 3040 would make immediate changes in Hawaii law to address Adam Walsh Act requirements, and the working group would suggest additional changes that might be made in the future.

With this understanding, we do not oppose passage of H.B. 2998, H.D. 1.