



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

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Friday, February 1, 2008 **TIME:** 4:00 PM

LOCATION: State Capitol Room 325
Deliver to: Committee Clerk, Room 302, 5 copies

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

Chair Waters and Members of the Committee:

The Department of the Attorney General opposes this measure.

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

The Hawaii Law Enforcement Coalition, which comprises the Chief of Police of each county, the Prosecuting Attorney of each county, and the Attorney General, has included in its legislative package H.B. No. 3040, which strengthens laws to protect the public, especially children, from sex offenders. A significant part of the bill addresses sex offender registration laws and compliance 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 (SORNA). The Department, as the administrator of the sex offender registration program in Hawaii, after carefully evaluating SORNA, strongly supports H.B. No. 3040. H.B. No. 3040 protects the public, and delaying its adoption will prejudice the public safety.

While H.B. No. 3040 does not provide for substantial compliance with all of the SORNA requirements, it does provide for sufficient

compliance with the new SORNA baseline standards to enable the Hawaii sex offender registry to be an effective participant in the comprehensive nationwide network of state registries.

H.B. No. 3040 adds certain offenses to the list of covered offenses subject to registration in an effort to include all of the Hawaii offenses that are comparable to the covered offenses required by SORNA. It seeks to place the Hawaii offenses into three tiers that are consistent with the three SORNA tiers. While Hawaii law requires lifetime registration, the bill allows offenders to petition for removal from the registry after fifteen years of compliance as a tier I offender and twenty-five years of compliance as a tier II offender to meet the duration requirements under SORNA. Tier III offenders, contrary to SORNA's lifetime registration requirement, are allowed to petition for removal from the registry after forty years.

In H.B. No. 3040, the scope of required registration information and information disseminated to the public are expanded to meet the SORNA requirements. They include helpful information, such as the text of the law defining the registration offense, criminal history information, information about where a homeless offender habitually lives, and Internet designations used for routing or self-identification. The bill also provides for the development of a community notification system that would allow anyone to request and obtain notifications about covered offenders.

H.B. No. 3040 does not provide for compliance with the following significant SORNA requirements: (1) the registration of juveniles fourteen years old or older who have been adjudicated of committing aggravated sexual abuse crimes; (2) lifetime registration of SORNA "tier III" offenders without any possibility of removal from the registry; (3) in-person verification of registration information by offenders every three months for "tier III" offenders and every six months for "tier II" offenders; (4) in-person updates for any changes to significant registration information; and (5)

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public web access to the registration information for the entire time that the offender is subject to the registration requirements.

The Department respectfully requests that H.B. No. 2998 be held and that, instead, the Committee set H.B. No. 3040 for hearing and consideration.

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LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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JAMES L. PROPOTNICK
Deputy Director
Law Enforcement

No. _____

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

by
Clayton A Frank, Director
Department of Public Safety

House Committee on Judiciary
Representative Tommy Waters, Chair
Representative Blake K. Oshiro, Vice Chair

Friday, February 1, 2008 4:00 PM
State Capitol, Conference Room 325

Representative Waters and Members of the Committee:

The purpose of House Bill 2998 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 (AWA).

The Department of Public Safety supports the intent of House Bill 2998 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 HRS 353-E in 1992. The SOMT membership already consists of the agencies proposed by HB 2998 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 Act for several

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

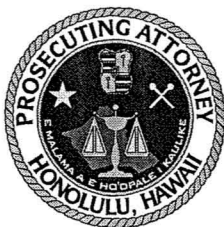
Thank you for the opportunity to testify on behalf of this bill.

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DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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PETER B. CARLISLE
PROSECUTING ATTORNEY



DOUGLAS S. CHIN
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE TOMMY WATERS, CHAIR
HOUSE JUDICIARY COMMITTEE
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

February 1, 2008

RE: H.B. 2998; RELATING TO SEX OFFENDER REGISTRATION.

Chair Waters and members of the House Judiciary Committee, the Department of the Prosecuting Attorney submits the following testimony in opposition to House Bill 2998.

The purpose of this bill is to establish a working group of various agencies and stakeholders to review issues related to state compliance with Adam Walsh Child and Public Safety Act of 2006. The working group is required to make findings and recommendations, including proposed legislation and submit these to the 2009 legislature.

We oppose this bill as compliance issues have been addressed in H.B. 3040, a bill introduced on behalf of the Law Enforcement Coalition which is composed of all four county police chiefs, all four county prosecutors and the Attorney General whose department is the administrator of Hawaii's Sex Offender Registration and Notification Act. Although H.B. 3040 does not reach full compliance with the mandates of the Adam Walsh Child and Public Safety Act of 2006, it has been drafted to ensure sufficient compliance to enable the state's sex offender registry to participate in the national network of state sex offender registries.

For these reasons, we oppose H.B. 2998 and respectfully request that H.B. 3040 be heard.

Thank you for this opportunity to testify.

000069



POLICE DEPARTMENT
COUNTY OF MAUI



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 MAYOR

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THOMAS M. PHILLIPS
 CHIEF OF POLICE

GARY A. YABUTA
 DEPUTY CHIEF OF POLICE

OUR REFERENCE
 YOUR REFERENCE

February 1, 2008

The Honorable Tommy Waters, Chair
 And Members of the
 Committee on Judiciary
 House of Representatives
 State Capitol
 Honolulu, Hawaii 96813

Dear Chair Waters and Members of the Committee:

SUBJECT: H.B. No. 2998, Relating to Sex Offender Registration

I am Thomas M. Phillips, Chief of Police of the Maui County Police Department and a member of the Hawaii Law Enforcement Coalition. We are opposing H.B. No. 2998, relating to Sex Offender Registration.

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

The Hawaii law Enforcement Coalition, which comprises the Chief of Police from each county, the Prosecuting Attorney of each county, and the Attorney general, has included in its legislative package H.B. No. 3040, which strengthens laws to protect the public, especially children, from sex offenders. A significant part of the bill addresses sex offender registration laws and compliance 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 (SORNA). The Law Enforcement Coalition strongly supports H.B. 3040.

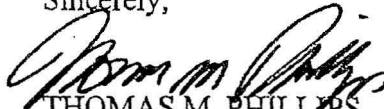
The Maui County Police Department respectfully requests that H.B. No. 2998 be held and that, instead, the Committee set H.B. No. 3040 for hearing and consideration.

000070

The Honorable Tommy Waters, Chair
And Members of the
Committee on Judiciary
February 1, 2008
Page 2

Thank you for the opportunity to testify.

Sincerely,



THOMAS M. PHILLIPS
Chief of Police

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