

**SB 227**



*The Judiciary, State of Hawaii*

**Testimony to the Senate Committee on Human Services**

The Honorable Suzanne Chun Oakland, Chair

The Honorable Les Ihara, Jr., Vice Chair

Thursday, February 5, 2009, 1:15 p.m.

State Capitol, Conference Room 016

by

Janice Yamada

Adult Client Services Branch Administrator

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**Bill No. and Title:** Senate Bill No. 227, Relating to Public Safety.

**Purpose:** Prohibits registered sex offenders from entering upon and loitering within restriction zones around schools and child care facilities. Imposes penalties.

**Judiciary's Position:**

The Judiciary takes no position on Senate Bill No. 227, which prohibits registered sex offenders from entering upon and loitering within restriction zones around schools and imposes penalties.

However, of concern to the Judiciary is that for each covered offender who knowingly enters upon and loiters in a restriction zone a second time, the offender shall be ordered to wear an electronic monitoring device designed to transmit and record the person's data. Currently, the Judiciary does not have the funds to purchase global positioning satellite tracking devices for offenders. Last year, the Judiciary's adult probation division had researched the cost for GPS monitoring systems. The costs for one offender included the following:

Base system	\$1,320
Tracker	1,023
Transmitter	575
Total equipment costs	\$2,918

Yearly monitoring costs \$383.25 (daily costs is \$1.05)

**Total for equipment and monitoring for one year is \$3,301.25.**



Senate Bill No. 227, Relating to Public Safety  
Senate Committee on Human Services  
Thursday, February 5, 2009  
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In order to fulfill the requirements of this provision the probation office will need to receive adequate funding from the Legislature to purchase the GPS equipment.

Thank you for the opportunity to testify on Senate Bill No 227.



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 5, 2009

MEMORANDUM

TO: The Honorable Suzanne Chun Oakland, Chair  
Senate Committee on Human Services

FROM: Lillian B. Koller, Director

SUBJECT: S. B. 227 - RELATING TO PUBLIC SAFETY  
Hearing: Thursday, February 5, 2009, 1:15 p.m.  
Conference Room 016, State Capitol

PURPOSE: The proposed amendments will prohibit registered sex offenders from entering upon and loitering within restriction zones around schools and child care facilities and imposes penalties if violated.

DEPARTMENT'S POSITION: The Department of Human Services is in favor of this bill as it aligns with our mandate for the protection of the safety and health of children enrolled in child care. Currently, the Department has statutes and laws prohibiting individuals with criminal convictions from working directly with children in licensed child care facilities. However, the Department does not conduct checks on other individuals who enter the facility and are not part of the staff of the facility. These types of individuals include those who conduct repair work, deliver goods, clean the facility, etc. This bill would make it clear to all registered sex offenders that they are prohibited from accessing child care facilities, and, if abided, will reduce or eliminate the possibility of harm to children by such individuals.

Thank you for the opportunity to provide comment on this bill.

**Date:** 02/05/2009

**Committee:** Senate Human Services

**Department:** Education

**Person Testifying:** Patricia Hamamoto, Superintendent of Education

**Title of Bill:** SB 0227 RELATING TO PUBLIC SAFETY.

**Purpose of Bill:** Prohibits registered sex offenders from entering upon and loitering within restriction zones around schools and child care facilities. Imposes penalties.

**Department's Position:** The Department of Education supports S.B. 0227, which prohibits registered sex offenders from entering upon and loitering within restriction zones around schools and child care facilities. The restrictions imposed will hopefully provide a degree of additional safety to students in Hawaii public schools. The Department suggests that the "restriction zone's" current minimum distance of 500 feet or less as outlined in S.B. 0227 be revised to expand to a minimum of 1,000 feet or more from public or private school property or any child care facility. The recommended change is to allow the minimum distance be similar to what is required in HRS §328J-17 for the distribution of sample cigarette or tobacco products, cigarette or tobacco promotional materials, and coupons redeemable for cigarette or tobacco products or promotional materials, which is currently 1,000 feet from public or private school property or any child care facility.

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
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Corrections

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Deputy Director  
Law Enforcement

No. \_\_\_\_\_

**TESTIMONY ON SENATE BILL 227  
RELATING TO CORRECTIONS**

by  
Clayton A. Frank, Director  
Department of Public Safety

Senate Committee on Human Services  
Senator Suzanne Chun-Oakland, Chair  
Senator Les Ihara, Jr, Vice-Chair

Thursday, February 5, 2009: 1:15PM  
State Capitol, Conference Room 16

Senator Chun-Oakland, Senator Ihara, and Members of the Committee:

The Department of Public Safety (PSD) opposes both the intent and content of Senate Bill 227, which seeks to establish geographic "restriction zones" for sex offenders and violent offenders who knowingly enter and loiter within 500 feet of any school or child care facility, including adjacent parking lots and access routes.

The population density of Hawaii's urban centers makes this bill impractical. Covered offenders would be unable to reside, work, or function as law-abiding citizens without entering a restricted zone.

Senate Bill 227's blanket restrictions imposed upon all covered offenders gives a false sense of security to the public. Hawaii boasts the lowest recidivism rate nationwide for sex offenders, which points to the success of current practices. Geographic restrictions should be left up to the supervision agency, as they would have the most in-depth knowledge of each offender.

Thank you for the opportunity to provide testimony on this matter.

**Testimony of the Office of the Public Defender,  
State of Hawaii to the Senate Committee on Human Services**

Hrg: Thursday, February 5, 2009, 1:15 pm  
1 copy required

**S.B. NO. 227: RELATING TO PUBLIC SAFETY**

Chair Chun Oakland and Members of the Committee:

We oppose S.B. No. 227 which seeks to create a restriction zone for offenders presumably covered under the sex offender registry, H.R.S. Chapter 846E. First of all, the bill does not define the term "covered offender." Thus, it does not state who the provisions are applicable to. Assuming that the bill's intent is to impose its restrictions on the "covered offender" referenced in Chapter 846E, our concern is that the bill will impose unreasonable restrictions on where an offender can live.

Oftentimes, it is difficult for an offender, including one who has already served his/her prison term and has paid his/her debt to the community, to find affordable housing. Hawaii's real estate areas are very compact in terms of land area and, in many communities, it might be difficult to find housing in areas which are more than five hundred feet (approximately one and a half football fields) from a school or child care facility. The current sex offender registry already publicizes the offender's photograph and address, making it extremely difficult currently for an offender to find housing. Imposing this additional restriction would provide yet another substantial impediment to securing basic shelter which should not be denied to any person. If offenders are driven to homelessness, law enforcement will not be able to track them with any certainty.

The bill also does not consider the fact that many childcare businesses here are run out of private residences. This would force offenders to go door-to-door in a neighborhood or apartment building before signing a lease to make sure that none of the residences are involved in childcare. Would residents be comfortable with a stranger looking into their living situations? The offender would have to do this to avoid having to break his/her lease if a childcare facility were discovered in the neighborhood subsequent to moving in.

Many offenders obtain jobs in the delivery or service sectors of business. They would not be hired if an employer discovered that they could not run deliveries or service (i.e. plumbing, appliance repair, labor) to schools or businesses and residences in the vicinity of schools.

If the legislature is intent on passing a law in this area, it should only outlaw loitering in a restriction zone without any legitimate or verifiable purpose. It should also contain an exception for an offender's residence.

Thank you for the opportunity to comment on this bill.



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#### OAHU PROGRAMS

COMMUNITY TEEN CENTER  
CPS VISITATION CENTERS  
EARLY HEAD START/  
HEAD START  
ECONOMIC DEVELOPMENT  
CENTER  
FAMILY PEACE CENTER  
FAMILY VISITATION CENTER  
HANA LIKE HOME  
VISITOR PROGRAM  
INTENSIVE SUPPORT SERVICES  
KANEHOE COMMUNITY  
FAMILY CENTER  
KPT FAMILY CENTER  
OHIA - DOMESTIC VIOLENCE  
SHELTER  
RESPITE CARE

#### MAUI COUNTY PROGRAMS

FAMILY PEACE CENTER  
INTENSIVE SUPPORT SERVICES  
LANAI INTEGRATED SERVICES

#### KAUAI COUNTY PROGRAMS

INTENSIVE SUPPORT SERVICES

#### MEMBER:

CWLA  
ALOHA UNITED WAY  
COA

Haaheo Mansfield  
Vice President of Programs

Testimony addressed to Senate Committee on Human Services  
For hearing on February 5, Thursday, 2009 at 1:15 p.m.

#### SB 227 RELATING TO PUBLIC SAFETY

Welina, ke aloha -- Chair Chun-Oakland, Vice-Chair Ihara, and esteemed members of the Senate Committee on Human Services!

Parents And Children Together, a family services agency, supports Senate Bill 227 Relating to Public Safety, which imposes penalties and prohibits registered sex offenders from entering upon and loitering within restriction zones around schools and children care facilities.

PACT has served families and children, focusing on public housing low-income communities for 40 years. Our prevention and treatment services help families address issues of child abuse and neglect, development of parenting skills, optimizing child development, family violence, and offering options to become healthy, participating and productive community members. In the past year, PACT served more than 18,000 individuals in communities on Kauai, Oahu, Molokai, Lanai, and Maui.

Please call upon us if we can be of service in providing information on how to keep children safe or can assist you in identifying community resources that address the issue of child safety in public places. My direct line is: 792-9716 or reception: 847-3285. My email address is: [adminhmansfield@pacthawaii.org](mailto:adminhmansfield@pacthawaii.org).

We hope you will approve Senate Bill 227.

Mahalo nui.