

JAN 23 2009

A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 708, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§708- Restriction zone; covered offenders. (a) It
5 shall be unlawful for any covered offender to knowingly enter
6 upon and loiter in a restriction zone.

7 (b) A covered offender convicted for violation of this
8 section shall be sentenced to pay a fine of not more than \$500
9 for the first offense. For each subsequent offense, the covered
10 offender shall be ordered to wear an electronic monitoring
11 device designed to transmit and record the person's location
12 data. The electronic monitoring device and its tracking shall
13 be administered by the court.

14 (c) For purposes of this section:

15 "Child care facility" means any facility involved in the
16 care, development, or supervision of children.



1 "Restriction zone" means an area five hundred feet or less
2 from any:

3 (1) Public or private school property; or

4 (2) Child care facility.

5 (d) For purposes of this section, public or private school
6 property and a child care facility shall include:

7 (1) The building in which the school or facility is
8 located;

9 (2) Any parking lot adjacent to the building and routinely
10 used for parking at that building;

11 (3) The routes of access between the building and any
12 parking lot; and

13 (4) Any route of access between any public thoroughfare
14 (right of way) and the school or facility to ensure an
15 open and accessible ingress and egress."

16 SECTION 2. Section 846E-4, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) Each person, or that person's designee, in charge of
19 a jail, prison, hospital, school, or other institution to which
20 a covered offender has been committed pursuant to a conviction,
21 or an acquittal or finding of unfitness to proceed pursuant to
22 chapter 704, for a covered offense, and each judge, or that



1 judge's designee, who continues bail for or releases a covered
2 offender following a guilty verdict or a plea of guilty or nolo
3 contendere, who releases a covered offender on probation or who
4 discharges a covered offender upon payment of a fine, and each
5 agency having jurisdiction, [~~shall,~~] prior to the discharge,
6 parole, or release of the covered offender[+], shall:

7 (1) Explain to the covered offender the duty to register
8 and the consequences of failing to register under this
9 chapter;

10 (2) Explain to the covered offender the prohibition on and
11 consequences of entering upon and loitering in
12 restriction zones established in section 708- ;

13 [~~2~~] (3) Obtain from the covered offender all of the
14 registration information required by this chapter;

15 [~~3~~] (4) Inform the covered offender that if at any time
16 the covered offender changes any of the covered
17 offender's registration information, the covered
18 offender shall notify the attorney general of the new
19 registration information in writing within three
20 working days;

21 [~~4~~] (5) Inform the covered offender that, if at any time
22 the covered offender changes residence to another



1 state, the covered offender shall register the new
2 address with the attorney general and also with a
3 designated law enforcement agency in the new state, if
4 the new state has a registration requirement, within
5 the period of time mandated by the new state's sex
6 offender registration laws;

7 ~~[(5)]~~ (6) Obtain and verify fingerprints and a photograph
8 of the covered offender, if these have not already
9 been obtained or verified in connection with the
10 offense that triggers the registration;

11 ~~[(6)]~~ (7) Require the covered offender to sign a statement
12 indicating that the duty to register has been
13 explained to the covered offender; and

14 ~~[(7)]~~ (8) Give one copy of the signed statement and one
15 copy of the registration information to the covered
16 offender."

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun, before its effective date.

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



S.B. NO. 227

1 SECTION 5. This Act shall take effect upon its approval.

2

INTRODUCED BY:

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Report Title:

Registered Sex Offender; Restriction Zone

Description:

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

