
A BILL FOR AN ACT

RELATING TO ELECTRONIC MONITORING.

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

1 SECTION 1. Chapter 846E, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART**

5 **ELECTRONIC MONITORING FOR CERTAIN SEX OFFENDERS**

6 **§846E-A Electronic monitoring; obligation.** (a) In
7 addition to the registration requirements of this chapter, a
8 covered offender shall also be subject to electronic monitoring
9 as mandated by this part. The obligation to be subject to
10 electronic monitoring shall run concurrently with the obligation
11 to provide sex offender registration.

12 (b) The attorney general shall use a system of active
13 electronic monitoring that identifies the location of a
14 monitored offender and that can produce, upon request, reports
15 or records of the offender's presence near or within a crime
16 scene or prohibited area or the offender's departure from
17 specified geographic limitations, produces an audible alarm upon
18 damage of a degree that would render location identification



1 functions inoperative, and may contract with a private vendor to
2 meet the mandate of this part.

3 **§846E-B Periodic maintenance of electronic monitoring**

4 **device; damage.** (a) Unless the covered offender is
5 incarcerated or has registered with a designated law enforcement
6 agency after establishing residence in another state, every five
7 years, the covered offender shall report in person to the
8 attorney general for periodic maintenance of the electronic
9 monitoring device.

10 (b) In the event of damage to the electronic monitoring
11 device of a degree that would render location identification
12 inoperative, the covered offender shall immediately inform the
13 attorney general's office of such damage and, within four hours
14 of such damage, report in person to the attorney general, or
15 their designee, for repair or replacement of the device.

16 **§846E-C Termination of electronic monitoring**

17 **requirements.** (a) A successful petition for termination of
18 registration requirements under section 846E-10 shall also
19 terminate all electronic monitoring requirements.

20 (b) No separate petition for termination of electronic
21 monitoring requirements shall be made to a court."



1 SECTION 2. Section 846E-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§846E-9 Failure to comply with covered offender**
4 **registration requirements; electronic monitoring requirements.**

5 (a) A person commits the offense of failure to comply with
6 covered offender registration requirements if the person is
7 required to register under this chapter and the person
8 intentionally, knowingly, or recklessly:

9 (1) Fails to register with the attorney general by
10 providing to the attorney general or the Hawaii
11 criminal justice data center the person's registration
12 information;

13 (2) Fails to report in person every five years until June
14 30, 2009, and beginning on July 1, 2009, once every
15 year, during the thirty-day period following the
16 offender's date of birth, to the chief of police where
17 the covered offender's residence is located, or to
18 such other department or agency designated by the
19 attorney general;

20 (3) While reporting to the chief of police or such other
21 department or agency designated by the attorney
22 general, fails to correct information in the registry



1 within the offender's knowledge that has changed or is
2 inaccurate regarding information required by section
3 846E-2(d)(1) through (12);

4 (4) While reporting to the chief of police or such other
5 department or agency designated by the attorney
6 general, fails to provide new information that may be
7 required by section 846E-2(d)(1) through (12);

8 (5) While reporting to the chief of police or such other
9 department or agency designated by the attorney
10 general, does not allow the police or other designated
11 department or agency to take a current photograph of
12 the person;

13 (6) Fails to register in person with the chief of police
14 having jurisdiction of the area where the covered
15 offender resides or is present within three working
16 days whenever the provisions of section 846E-2(g)
17 require the person to do so;

18 (7) Fails to notify the attorney general or the Hawaii
19 criminal justice data center of a change of any of the
20 covered offender's registration information in writing
21 within three working days of the change;



- 1 (8) Provides false registration information to the
2 attorney general, the Hawaii criminal justice data
3 center, or a chief of police;
- 4 (9) Signs a statement verifying that all of the
5 registration information is accurate and current when
6 any of the registration information is not
7 substantially accurate and current;
- 8 (10) Having failed to establish a new residence within the
9 ten days while absent from the person's registered
10 residence for ten or more days:
 - 11 (A) Fails to notify the attorney general in writing
12 within three working days that the person no
13 longer resides at the person's registered
14 residence; or
 - 15 (B) Fails to report to a police station in the State
16 by the last day of every month; or
- 17 (11) Fails to mail or deliver the periodic verification of
18 registration information form to the attorney general
19 within ten days of receipt, as required by section
20 846E-5; provided that it shall be an affirmative
21 defense that the periodic verification form mailed to
22 the covered offender was delivered when the covered



1 offender was absent from the registered address and
2 the covered offender had previously notified the
3 Hawaii criminal justice data center that the covered
4 offender would be absent during the period that the
5 periodic verification form was delivered.

6 (b) A person commits the offense of failure to comply with
7 covered offender electronic monitoring requirements if the
8 person is required to be subject to electronic monitoring under
9 this chapter and the person intentionally, knowingly, or
10 recklessly:

11 (1) Fails to appear before the attorney general to submit
12 to electronic monitoring;

13 (2) Fails to report in person every five years before the
14 attorney general, or their designee, for maintenance
15 on the electronic monitoring device;

16 (3) Fails to report in person, within four hours, before
17 the attorney general, or their designee, for repair or
18 replacement of the electronic monitoring device in the
19 event of damage to the electronic monitoring device of
20 a degree that would render location identification
21 inoperative; or



1 (4) Inflicts damage to the electronic monitoring device to
2 a degree that would render location identification
3 inoperative.



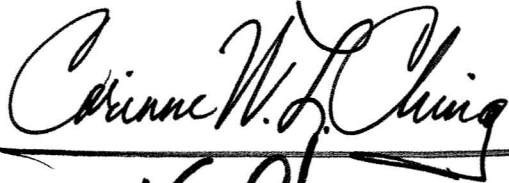

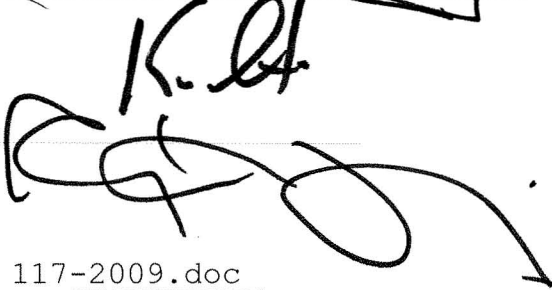

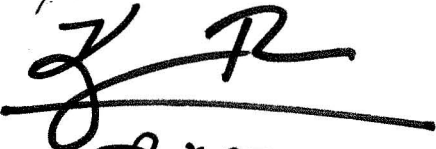

4 [~~b~~] (c) Failure to comply with covered offender
5 registration requirements is a class C felony."

6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun, before its effective date.

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect on July 1, 2011.

INTRODUCED BY:



Report Title:

Electronic monitoring; covered offenders

Description:

Adds requirement of electronic monitoring to covered offenders under chapter 846E.

