
A BILL FOR AN ACT

RELATING TO A SEX OFFENDER MANAGEMENT BOARD.

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

1 SECTION 1. The legislature finds that by June 30, 2007,
2 there were approximately two thousand registered adult sex
3 offenders in the State of Hawaii, of which six hundred sixty-
4 five were under the jurisdiction of the department of public
5 safety and four hundred seventy under community supervision. In
6 addition, there were over one hundred twenty-five youths
7 identified as sexual offenders. Because of the intensely
8 personal nature of sex offenses, as well as the secrecy and
9 manipulation that characterizes the dynamics of sexual abuse,
10 such crimes tend to remain underreported and largely undetected.
11 Nationally, it is estimated that only one in ten sexual assault
12 victims report their abuse to authorities. As most sexual
13 offenses remain unreported, it is difficult to tell whether
14 sexual crimes are increasing. The National Crime Victimization
15 Survey reported a twenty five percent increase in victimizations
16 of rape and sexual assault from 1996 to 1999.

17 While the term "sex offender" implies that all sex
18 offenders are similar, they are a heterogeneous group with



1 diverse victim preferences, psychological deficits, and
2 criminogenic needs and pose varying risks to the community.
3 Given the profound impact sexual abuse has on victims, the
4 importance of preventing further sexual offending cannot be
5 overemphasized. Over recent years, the value of developing a
6 more coordinated and integrated approach to sex offender
7 management has been recognized. This comprehensive approach
8 acknowledges the complex nature of sex offending and the
9 components necessary to effect offender accountability,
10 rehabilitation, victim and community safety throughout all
11 phases of the criminal justice system.

12 The purpose of this Act is to establish a sex offender
13 management board to implement a systemwide comprehensive
14 approach to sex offender management.

15 SECTION 2. The Hawaii Revised Statutes is amended by
16 adding a new chapter to be appropriately designated and to read
17 as follows:

18 "CHAPTER

19 SEX OFFENDER MANAGEMENT BOARD

20 PART I. GENERAL PROVISIONS

21 § -1 Title. This chapter shall be known and may be
22 cited as the Sex Offender Management Board Act.



1 § -2 **Definitions.** When used in this chapter:

2 "Aggravated sex offender" means:

3 (1) A person convicted of an "aggravated sexual offense"

4 as defined in section 846E-1; or

5 (2) A person who is charged with an "aggravated sexual

6 offense" as defined by section 846E-1 and is found

7 unfit to proceed and is released into the community or

8 acquitted due to a physical or mental disease,

9 disorder, or defect pursuant to chapter 704 and is

10 released into the community.

11 "Assessment" means an evaluation of a person's mental,

12 social, and motivational capabilities to better determine a

13 person's need for treatment and risk to the community.

14 "Board" means the sex offender management board created in

15 this chapter.

16 "Management" means a comprehensive and collaborative team

17 approach to regulating, controlling, monitoring, and otherwise

18 influencing the current and, insofar as is possible, the future

19 behavior of sex offenders who are living in the community and

20 are directly under the authority of the criminal justice system

21 or of another governmental agency performing similar functions.

22 The overriding purpose of management of sex offenders is to



1 enhance community safety by preventing future sexual
2 victimization. Management includes supervision and specialized
3 treatment as well as a variety of other interventions.

4 "Sex offender" means:

5 (1) A person who is or has been convicted at any time,
6 whether before or after May 9, 2005, of a "sexual
7 offense" as defined by section 846E-1; or

8 (2) A person who is or has been charged at any time,
9 whether before or after May 9, 1995, with a "sexual
10 offense" and is or has been found unfit to proceed and
11 is or has been released into the community or who is
12 acquitted due to physical or mental disease, disorder,
13 or defect pursuant to chapter 704 and is released into
14 the community.

15 "Supervision":

16 (1) Means a specialized approach to the process of
17 overseeing, insofar as authority to do so is granted
18 to the supervising agency, all significant aspects of
19 the lives of sex offenders; and

20 (2) Includes traditional methods as well as techniques and
21 tools specifically designed to respond to the risks to
22 community safety raised by sex offenders.



1 Supervision is one component of sex offender management.

2 "Treatment" means a set of specialized interventions
3 delivered by qualified mental health professionals and
4 designated to address the multiple psychological and
5 physiological factors found to be associated with sexual
6 offending.

7 "Youth who commit a sexual offense" means a person who:

8 (1) While under the age of eighteen years of age has been
9 adjudicated for conduct that would constitute a
10 "sexual offense" as defined by section 846E-1 if
11 committed by an adult; and

12 (2) Is under the jurisdiction of family court.

13 A youth covered under paragraph (1) may be subject to the
14 jurisdiction of the family court past the age of eighteen.

15 **PART II. COMPREHENSIVE SEX OFFENDER MANAGEMENT PROGRAM**

16 **§ -21 Sex offender management board established. (a)**

17 There is established a sex offender management board, which
18 shall consist of fourteen members.

19 (b) The board shall be attached administratively to the
20 department of public safety.

21 (c) The objective of the board shall be to achieve safer
22 communities by reducing sexual victimization.



1 (d) The membership of the board shall reflect, to the
2 extent possible, representation of all counties. Each appointee
3 to the board, shall be appointed by the governor, and shall have
4 the following characteristics:

5 (1) Substantial prior knowledge of issues related to sex
6 offenders, at least insofar as related to an agency's
7 own practices;

8 (2) Decision making authority for, or direct access to
9 those who have decision making authority for, the
10 agency or constituency he or she represents; and

11 (3) A willingness to serve on the board and a commitment
12 to contribute to the board's work.

13 (e) The membership of the board shall consist of the
14 following:

15 (1) State government agencies:

16 (A) The attorney general or a designee who shall be
17 an authority in policy areas pertaining to sex
18 offenders;

19 (B) The director of public safety or a designee;

20 (C) The chairperson of the Hawaii paroling authority
21 or a designee;



- 1 (D) The administrative director of the courts or a
- 2 designee;
- 3 (E) The director of human services or a designee;
- 4 (F) The director of health or a designee;
- 5 (G) The superintendent of education or a designee;
- 6 (H) One circuit court judge to be appointed by the
- 7 chief justice; and
- 8 (I) One family court judge to be appointed by the
- 9 chief justice.
- 10 (2) County government agencies: the chief of police or a
- 11 designee.
- 12 (3) Nongovernmental agencies:
- 13 (A) Two members who are recognized experts in the
- 14 field of sexual assault and represent sexual
- 15 assault victims, both adults and children, and
- 16 rape crisis centers, appointed by the governor;
- 17 (B) One member who is licensed mental health
- 18 professional with recognized experience in
- 19 working with sex offenders and who can represent,
- 20 through their established involvement in a formal
- 21 statewide professional organization, those who
- 22 provide evaluation and treatment for adult sex



- 1 offenders, recommended by the board and appointed
2 by the governor;
- 3 (C) One member who is licensed mental health
4 professional with recognized experience in
5 working with youth who commit sexual offenses and
6 who can represent, through their established
7 involvement in a formal statewide professional
8 organization, those who provide evaluation and
9 treatment for youth who commit sexual offenses,
10 recommended by the board and appointed by the
11 governor; and
- 12 (D) One member from the Hawaii Council of Churches.
- 13 (f) All members of the board shall be legal residents of
14 the State.
- 15 (g) The board shall appoint a chair from among the members
16 appointed pursuant to subsection (e). The chair shall serve in
17 that capacity at the pleasure of the board.
- 18 (h) The members of the board shall each serve a term of
19 four years and may be reappointed in accordance with section 26-
20 34.



1 (i) Any member of the board who is appointed or designated
2 pursuant to subsection (e) shall serve at the pleasure of the
3 governor.

4 (j) Each member of the board who is appointed pursuant to
5 this section shall serve without compensation.

6 (k) If a board member is unable to adequately perform the
7 duties or is unable to attend more than three meetings in a
8 single twelve-month period, the member is subject to removal in
9 accordance with section 92-15.5.

10 (l) The board shall hold meetings at times and for periods
11 as the board deems necessary to accomplish its goals and
12 objectives, and shall meet at least eight times a year.

13 (m) The travel costs associated with membership and
14 performance of official duties on the board shall be reimbursed
15 by the department of public safety from appropriations provided
16 by the legislature.

17 (n) The board may adopt rules under chapter 91 as
18 necessary to carry out the duties of the board.

19 (o) The majority of the board constitutes a quorum for the
20 transaction of business.



1 (p) Any vacancies on the board occurring as a result of
2 the removal, term expiration, or resignation of a member shall
3 be filled by the governor within thirty days of the vacancy.

4 (q) The board may create, at its discretion, subcommittees
5 or task forces to address specific issues. These may include
6 board members as well as invited experts and other stakeholders
7 or participants.

8 (r) The board may adopt rules pursuant to chapter 91 as
9 are necessary to carry out the duties of the board.

10 (s) The board shall hire a program manager and coordinator
11 who has relevant experiences in policy research. The board may
12 hire other staff as funding permits.

13 (t) All staff support services for the board shall be
14 provided by the department of public safety.

15 (u) The board and individual members thereof shall be
16 immune from any liability, whether civil or criminal, for the
17 good faith performance of the duties of the board as specified
18 in this part.

19 § -22 Sex offender management board; duties and
20 responsibilities. The main objective of the board, which shall
21 be to prioritize resources and use of time to achieve safer



1 communities by reducing sexual victimization. To that end, the
2 board shall do the following:

3 (1) Develop and implement guidelines and standards for the
4 evaluation, treatment, and supervision of adult sex
5 offenders and youth who commit sexual offenses. These
6 guidelines and standards shall focus on preventing
7 harm to victims and potential victims while holding
8 offenders accountable for their behaviors;

9 (2) Develop and implement a unified and cohesive process
10 of offender assessment that addresses both the risk
11 and needs of adult sex offenders and youth who commit
12 sexual offenses;

13 (3) Develop a process for program assessment for the
14 purposes of quality assurance. The board shall
15 research and analyze the effectiveness of program
16 services provided within correctional and juvenile
17 facilities and in the community;

18 (4) Research and analyze the effectiveness of the
19 guidelines and standards developed pursuant of this
20 article;

21 (5) Develop recommendations to improve management
22 practices for adult sex offenders and youth who commit



1 a sexual offense. Recommendations shall address all
 2 significant aspects of community management including
 3 supervision, treatment, housing, transition to the
 4 community, interagency coordination, and the practices
 5 of other entities that directly or indirectly affect
 6 the community management of sex offenders and public
 7 safety; and

8 (6) The board shall conduct public hearings, as it deems
 9 necessary, to provide opportunities for gathering
 10 information and receiving input regarding the work of
 11 the board from concerned stakeholders and the public.

12 SECTION 3. There is appropriated out of the general
 13 revenues of the State of Hawaii the sum of \$ or so
 14 much thereof as may be necessary for the fiscal year 2009-2010
 15 and the sum of \$ or so much thereof as may be
 16 necessary for fiscal year 2010-2011 for the implementation of
 17 the board and to carry out its duties and responsibilities.

18 The sums appropriated in this section shall be expended by
 19 the department of public safety for the purposes of this part.

20 SECTION 4. This Act shall take effect on July 1, 2009.

21 INTRODUCED BY: Mele Carroll



Report Title:
Sex Offender

Description:
Establishes the sex offender management board to develop comprehensive sex offender management program to achieve safer communities by reducing sexual victimization.

