

1 as mandated by this part. The obligation to be subject to
2 electronic monitoring shall run concurrently with the obligation
3 to provide sex offender registration.

4 (b) The attorney general shall use a system of active
5 electronic monitoring that identifies the location of a
6 monitored offender and that can produce, upon request, reports
7 or records of the offender's presence near or within a crime
8 scene or prohibited area or the offender's departure from
9 specified geographic limitations, produces an audible alarm upon
10 damage of a degree that would render location identification
11 functions inoperative, and may contract with a private vendor to
12 meet the mandate of this part.

13 **§846E-B Periodic maintenance of electronic monitoring**

14 **device; damage.** (a) Unless the covered offender is
15 incarcerated or has registered with a designated law enforcement
16 agency after establishing residence in another state, every five
17 years, the covered offender shall report in person to the
18 attorney general for periodic maintenance of the electronic
19 monitoring device.

20 (b) In the event of damage to the electronic monitoring
21 device of a degree that would render location identification
22 inoperative, the covered offender shall immediately inform the



1 attorney general's office of such damage and, within four hours
2 of such damage, report in person to the attorney general, or
3 their designee, for repair or replacement of the device.

4 **§846E-C Termination of electronic monitoring**
5 **requirements.** (a) A successful petition for termination of
6 registration requirements under section 846E-10 shall also
7 terminate all electronic monitoring requirements.

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

10 SECTION 3. Section 846E-9, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§846E-9 Failure to comply with covered offender**
13 **registration requirements; electronic monitoring requirements.**

14 (a) A person commits the offense of failure to comply with
15 covered offender registration and electronic monitoring
16 requirements if the person is required to register under this
17 chapter and the person intentionally, knowingly, or recklessly:

18 (1) Fails to register with the attorney general by
19 providing to the attorney general or the Hawaii
20 criminal justice data center the person's registration
21 information;



- 1 (2) Fails to report in person every five years until June
2 30, 2009, and beginning on July 1, 2009, once every
3 year, during the thirty-day period following the
4 offender's date of birth, to the chief of police where
5 the covered offender's residence is located, or to
6 such other department or agency designated by the
7 attorney general;
- 8 (3) While reporting to the chief of police or such other
9 department or agency designated by the attorney
10 general, fails to correct information in the registry
11 within the offender's knowledge that has changed or is
12 inaccurate regarding information required by section
13 846E-2(d)(1) through (12);
- 14 (4) While reporting to the chief of police or such other
15 department or agency designated by the attorney
16 general, fails to provide new information that may be
17 required by section 846E-2(d)(1) through (12);
- 18 (5) While reporting to the chief of police or such other
19 department or agency designated by the attorney
20 general, does not allow the police or other designated
21 department or agency to take a current photograph of
22 the person;



- 1 (6) Fails to register in person with the chief of police
2 having jurisdiction of the area where the covered
3 offender resides or is present within three working
4 days whenever the provisions of section 846E-2(g)
5 require the person to do so;
- 6 (7) Fails to notify the attorney general or the Hawaii
7 criminal justice data center of a change of any of the
8 covered offender's registration information in writing
9 within three working days of the change;
- 10 (8) Provides false registration information to the
11 attorney general, the Hawaii criminal justice data
12 center, or a chief of police;
- 13 (9) Signs a statement verifying that all of the
14 registration information is accurate and current when
15 any of the registration information is not
16 substantially accurate and current;
- 17 (10) Having failed to establish a new residence within the
18 ten days while absent from the person's registered
19 residence for ten or more days:
- 20 (A) Fails to notify the attorney general in writing
21 within three working days that the person no



- 1 longer resides at the person's registered
2 residence; or
- 3 (B) Fails to report to a police station in the State
4 by the last day of every month; ~~[or]~~
- 5 (11) Fails to mail or deliver the periodic verification of
6 registration information form to the attorney general
7 within ten days of receipt, as required by section
8 846E-5; provided that it shall be an affirmative
9 defense that the periodic verification form mailed to
10 the covered offender was delivered when the covered
11 offender was absent from the registered address and
12 the covered offender had previously notified the
13 Hawaii criminal justice data center that the covered
14 offender would be absent during the period that the
15 periodic verification form was delivered; or
- 16 (12) Fails to appear before the attorney general to submit
17 to electronic monitoring;
- 18 (13) Fails to report in person every five years before the
19 attorney general, or their designee, for maintenance
20 on the electronic monitoring device;
- 21 (14) Fails to report in person, within four hours, before
22 the attorney general, or their designee, for repair or



1 replacement of the electronic monitoring device in the
2 event of damage to the electronic monitoring device of
3 a degree that would render location identification
4 inoperative; or

5 (15) Inflicts damage to the electronic monitoring device to
6 a degree that would render location identification
7 inoperative.

8 [~~(b)~~] (c) Failure to comply with covered offender
9 registration and electronic monitoring requirements is a class
10 [E] A felony, provided the court shall sentence the person who
11 has been convicted of this offense to a minimum term of
12 imprisonment of not less than twenty years without the
13 possibility of probation or suspension of sentence."

14 SECTION 4. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun, before its effective date.

17 SECTION 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect on July 1, 2012.

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INTRODUCED BY:

[Signature]

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Sabrina Yamamoto

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[Signature]

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JAN 25 2011



Report Title:

Electronic monitoring; sexual assault; sentencing

Description:

Establishes mandatory minimum sentence of twenty-five years for felony sexual assault of a minor. Adds requirement of electronic monitoring to covered offenders under chapter 846E.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

