

JAN 21 2011

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# A BILL FOR AN ACT

RELATING TO SEX OFFENDER REGISTRATION.

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

1           SECTION 1. Section 846E-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "sexual offense" to read  
3 as follows:

4           ""Sexual offense" means an offense that is:

- 5           (1) Set forth in section 707-730(1)(a), 707-730(1)(b),  
6                 707-730(1)(c), 707-730(1)(d) or (e), 707-731(1)(a),  
7                 707-731(1)(b), 707-731(1)(c), 707-732(1)(a), 707-  
8                 732(1)(b), 707-732(1)(c), 707-732(1)(d), 707-  
9                 732(1)(e), 707-732(1)(f), 707-733(1)(a), 707-733.6,  
10                711-1110.9, 711-1111(1)(c), (f), or (i), or 712-  
11                1202(1)(b), [~~or 712-1203(1)(b),~~] but excludes conduct  
12                that is criminal only because of the age of the  
13                victim, as provided in section 707-730(1)(b), or  
14                section 707-732(1)(b) if the perpetrator is under the  
15                age of eighteen;
- 16           (2) An act defined in section 707-720 if the charging  
17                document for the offense for which there has been a



1 conviction alleged intent to subject the victim to a  
2 sexual offense;

3 (3) An act that consists of:

4 (A) Criminal sexual conduct toward a minor, including  
5 but not limited to an offense set forth in  
6 section 707-759;

7 (B) Solicitation of a minor who is less than fourteen  
8 years old to engage in sexual conduct;

9 (C) Use of a minor in a sexual performance;

10 (D) Production, distribution, or possession of child  
11 pornography chargeable as a felony under section  
12 707-750, 707-751, or 707-752;

13 (E) Electronic enticement of a child chargeable under  
14 section 707-756 or 707-757 if the offense was  
15 committed with the intent to promote or  
16 facilitate the commission of another covered  
17 offense as defined in this section; or

18 (F) Solicitation of a minor to practice prostitution;

19 (4) A criminal offense that is comparable to or that  
20 exceeds a sexual offense as defined in paragraphs (1)  
21 through (3) [~~or any~~];



1        (5) Any federal, military, or out-of-state conviction for  
2                    [any]:

3            (A) Any offense that under the laws of this State  
4                    would be a sexual offense as defined in  
5                    paragraphs (1) through (3); or

6            (B) Any offense that subjected the offender to sex  
7                    offender registration or public notification, or  
8                    both, in the other state or jurisdiction of  
9                    conviction, or would have if the offender had  
10                  been a resident of that other state or  
11                  jurisdiction; or

12        [~~5~~] (6) An act, as described in chapter 705, that is an  
13                    attempt, criminal solicitation, or criminal conspiracy  
14                    to commit one of the offenses designated in paragraphs  
15                    (1) through [~~4~~] (5)."

16        SECTION 2. Section 846E-5, Hawaii Revised Statutes, is  
17 amended to read as follows:

18            "**§846E-5 Periodic verification of registration**  
19 **information.** Unless the covered offender is incarcerated or has  
20 registered with a designated law enforcement agency after  
21 establishing residence in another state, on the first day of



1 every ninety-day period following the covered offender's initial  
2 registration date:

3 (1) The attorney general shall mail a nonforwardable  
4 verification form to the last reported address of the  
5 covered offender;

6 (2) The covered offender shall sign the verification form  
7 and state that the covered offender still resides at  
8 the address last reported to the attorney general and  
9 that no other registration information has changed or  
10 shall provide the new information; and

11 (3) The covered offender shall mail the signed and  
12 completed verification form to the attorney general  
13 within ten days after receipt of the form[ ~~and~~

14 ~~(4) If the covered offender fails to mail the verification~~  
15 ~~form to the attorney general within ten days after~~  
16 ~~receipt of the form, the covered offender shall be in~~  
17 ~~violation of this chapter, unless the covered offender~~  
18 ~~proves that the covered offender has not changed the~~  
19 ~~residence address].~~

20 This section shall become effective on July 1, 1998."

21 SECTION 3. Section 846E-10, Hawaii Revised Statutes, is  
22 amended by amending subsections (c) and (d) to read as follows:



1           "(c) Tier 2 offenses. A covered offender who has  
2 maintained a clean record for the previous twenty-five years,  
3 excluding any time the offender was in custody or civilly  
4 committed, and who has substantially complied with the  
5 registration requirements of this chapter for the previous  
6 twenty-five years, or for the portion of that twenty-five years  
7 that this chapter has been applicable, and who is not a repeat  
8 covered offender may petition the court, in a civil proceeding,  
9 for termination of registration requirements; provided that the  
10 covered offender's most serious covered offense is one of the  
11 following:

- 12           (1) Any offense set forth in section 707-730(1)(c), 707-  
13           731(1)(c), 707-732(1)(c), 707-750, 707-751, or 712-  
14           1202(1)(b) [~~, or 712-1203(1)(b)~~];
- 15           (2) An offense set forth in section 707-720; provided that  
16           the charging document for the offense for which there  
17           has been a conviction alleged intent to subject the  
18           victim to a sexual offense;
- 19           (3) An offense set forth in section 707-756 that includes  
20           an intent to promote or facilitate the commission of  
21           another felony covered offense as defined in section  
22           846E-1;



- 1 (4) An offense that is an attempt, criminal solicitation,  
2 or criminal conspiracy to commit any of the offenses  
3 in paragraph (1), (2), or (3);
- 4 (5) Any criminal offense that is comparable to one of the  
5 offenses in paragraph (1), (2), (3), or (4); or
- 6 (6) Any federal, military, or out-of-state offense that is  
7 comparable to one of the offenses in paragraph (1),  
8 (2), (3), or (4).
- 9 (d) Tier 1 offenses. A covered offender who has  
10 maintained a clean record for the previous ten years, excluding  
11 any time the offender was in custody or civilly committed, and  
12 who has substantially complied with the registration  
13 requirements of this chapter for the previous ten years, or for  
14 the portion of that ten years that this chapter has been  
15 applicable, and who is not a repeat covered offender may  
16 petition the court, in a civil proceeding, for termination of  
17 registration requirements; provided that the covered offender's  
18 most serious covered offense is one of the following:
- 19 (1) Any offense set forth in section 707-732(1)(d) or (e),  
20 707-733(1)(a), 707-752, 707-759[+], 711-1110.9, or  
21 711-1111(1)(c), (f), or (i);



- 1 (2) An offense set forth in section 707-721 or 707-722;  
2 provided that the offense involves unlawful  
3 imprisonment of a minor by someone other than a  
4 parent;
- 5 (3) An offense set forth in section 707-757 that includes  
6 an intent to promote or facilitate the commission of  
7 another covered offense as defined in section 846E-1;
- 8 (4) An offense that is an attempt, criminal solicitation,  
9 or criminal conspiracy to commit any of the offenses  
10 in paragraph (1), (2), or (3);
- 11 (5) Any criminal offense that is comparable to one of the  
12 offenses in paragraph (1), (2), (3), or (4); ~~or~~
- 13 (6) Any federal, military, or out-of-state offense that is  
14 comparable to one of the offenses in paragraph (1),  
15 (2), (3), or (4) ~~[-]~~; or
- 16 (7) Any other covered offense that is not specified in  
17 subsections (a), (c), or (d) (1), (2), (3), (4), (5),  
18 or (6)."

19 SECTION 4. Sections 1 and 3 of this Act shall apply to any  
20 acts committed prior to, on, or after the effective date of this  
21 Act.



1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.  
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**Report Title:**

Sex Offender Registration; Violation of Privacy; Voyeurism

**Description:**

Amends the sex offender registration law to (1) include violation of privacy offenses, including voyeurism; (2) require registration for offenders who are subject to sex offender registration or notification in their jurisdiction of conviction; (3) repeal obsolete or unnecessary provisions; and (4) create a tier classification for covered offenses that are not expressly classified.

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

