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# A BILL FOR AN ACT

RELATING TO REGISTRATION OF SEX OFFENDERS.

**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),  
8           707-732(1)(b), 707-732(1)(c), 707-732(1)(d),  
9           707-732(1)(e), 707-732(1)(f), 707-733(1)(a),  
10           707-733.6, 712-1202(1)(a), 712-1202(1)(b), or [~~712-~~  
11           ~~1203(1)(b)~~], 712-1203(1), but excludes conduct that is  
12           criminal only because of the age of the victim, as  
13           provided in section 707-730(1)(b), or section 707-  
14           732(1)(b) if the perpetrator is under the age of  
15           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 violation of privacy under section 711-1110.9;

20 [~~4~~] (5) A criminal offense that is comparable to or that  
21 exceeds a sexual offense as defined in paragraphs (1)  
22 through [~~3~~] (4) or any federal, military, or out-of-



1 state conviction for any offense that under the laws  
2 of this State would be a sexual offense as defined in  
3 paragraphs (1) through [~~(3)~~] (4); or  
4 [~~(5)~~] (6) An act, as described in chapter 705, that is an  
5 attempt, criminal solicitation, or criminal conspiracy  
6 to commit one of the offenses designated in paragraphs  
7 (1) through [~~(4)~~] (5)."

8 SECTION 2. Section 846E-10, Hawaii Revised Statutes, is  
9 amended by amending subsection (d) to read as follows:

10 "(d) Tier 1 offenses. A covered offender who has  
11 maintained a clean record for the previous ten years, excluding  
12 any time the offender was in custody or civilly committed, and  
13 who has substantially complied with the registration  
14 requirements of this chapter for the previous ten years, or for  
15 the portion of that ten years that this chapter has been  
16 applicable, and who is not a repeat covered offender may  
17 petition the court, in a civil proceeding, for termination of  
18 registration requirements; provided that the covered offender's  
19 most serious covered offense is one of the following:

20 (1) Any offense set forth in section 707-732(1)(d) or (e),  
21 707-733(1)(a), 707-752, 707-759[+], or 711-1110.9;



- 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)."

16 SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect on July 1, 2050;  
19 provided that consistent with the definition of "sex offender"  
20 as provided in section 846E-1, Hawaii Revised Statutes, this Act  
21 shall apply retroactively to any person who is or was:



- 1           (1)   Convicted at any time of a violation of privacy in the
- 2                    first degree under section 711-1110.9, Hawaii Revised
- 3                    Statutes; or
- 4           (2)   Charged at any time with a violation of privacy in the
- 5                    first degree under section 711-1110.9, Hawaii Revised
- 6                    Statutes, and:
- 7                    (A)   Is currently or was previously found unfit to
- 8                            proceed against the charges and is currently or
- 9                            was previously released into the community; or
- 10                  (B)   Is currently or was previously acquitted due to a
- 11                            physical or mental disease, disorder, or defect
- 12                            pursuant to chapter 704, Hawaii Revised Statutes,
- 13                            and is currently or was previously released into
- 14                            the community.



**Report Title:**

Sex Offender Registration; Violation of Privacy

**Description:**

Requires persons convicted of violation of privacy in the first degree and all persons convicted of promoting prostitution in the first degree to register as sex offenders. Applies retroactively. Effective July 1, 2050. (SB52 HD1)

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

