

JAN 20 2011

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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)(b), or 712-1203(1)(b), but  
11           excludes conduct that is criminal only because of the  
12           age of the victim, as provided in section  
13           707-730(1)(b), or section 707-732(1)(b) if the  
14           perpetrator is under the age of eighteen;

15           (2) An act defined in section 707-720 if the charging  
16           document for the offense for which there has been a  
17           conviction alleged intent to subject the victim to a  
18           sexual offense;



- 1           (3) An act that consists of:
- 2                   (A) Criminal sexual conduct toward a minor, including
- 3                           but not limited to an offense set forth in
- 4                           section 707-759;
- 5                   (B) Solicitation of a minor who is less than fourteen
- 6                           years old to engage in sexual conduct;
- 7                   (C) Use of a minor in a sexual performance;
- 8                   (D) Production, distribution, or possession of child
- 9                           pornography chargeable as a felony under section
- 10                           707-750, 707-751, or 707-752;
- 11                  (E) Electronic enticement of a child chargeable under
- 12                           section 707-756 or 707-757 if the offense was
- 13                           committed with the intent to promote or
- 14                           facilitate the commission of another covered
- 15                           offense as defined in this section; or
- 16                  (F) Solicitation of a minor to practice prostitution;
- 17           (4) A violation of privacy under section 711-1110.9;
- 18           ~~[-(4)]~~ (5) A criminal offense that is comparable to or that
- 19                   exceeds a sexual offense as defined in paragraphs (1)
- 20                   through ~~[-(3)]~~ (4) or any federal, military, or out-of-
- 21                   state conviction for any offense that under the laws



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

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

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[+] or, 711-1110.9;

21 (2) An offense set forth in section 707-721 or 707-722;  
22 provided that the offense involves unlawful



1 imprisonment of a minor by someone other than a  
2 parent;

3 (3) An offense set forth in section 707-757 that includes  
4 an intent to promote or facilitate the commission of  
5 another covered offense as defined in section 846E-1;

6 (4) An offense that is an attempt, criminal solicitation,  
7 or criminal conspiracy to commit any of the offenses  
8 in paragraph (1), (2), or (3);

9 (5) Any criminal offense that is comparable to one of the  
10 offenses in paragraph (1), (2), (3), or (4); or

11 (6) Any federal, military, or out-of-state offense that is  
12 comparable to one of the offenses in paragraph (1),  
13 (2), (3), or (4)."

14 SECTION 3. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval;  
17 provided that consistent with the definition of "sex offender"  
18 as provided in section 846-1, Hawaii Revised Statutes, this Act  
19 shall apply retroactively to any person who is or has been:

20 (1) Convicted at any time of a violation of privacy under  
21 section 711-1110.9, Hawaii Revised Statutes; or



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1 (2) Charged at any time with a violation of privacy under  
2 section 711-1110.9, Hawaii Revised Statutes, and is or  
3 has been found unfit to proceed and is or has been  
4 released into the community or who is acquitted due to  
5 a physical or mental disease, disorder, or defect  
6 pursuant to chapter 704, Hawaii Revised Statutes, and  
7 is released into the community.  
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INTRODUCED BY:

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**Report Title:**

Sex Offender Registration; Violation of Privacy

**Description:**

Requires persons convicted of violation of privacy in the first degree to register as sex offenders for ten years. Applies retroactively.

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

