

Charlotte A. Carter-Yamauchi
Acting Director

Shawn Nakama
First Assistant

Research (808) 587-0666
Revisor (808) 587-0670
Fax (808) 587-0681



LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol
415 S. Beretania Street, Room 446
Honolulu, Hawaii 96813

Written Comments

HCR5, HD1

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON WHETHER THE GOALS AND OBJECTIVES OF HAWAII'S SEX OFFENDER LAWS ARE BEING MET AND WHETHER SEX OFFENDER LAWS ARE BEING IMPLEMENTED IN THE WAY THEY WERE INTENDED

Comments by the Legislative Reference Bureau
Charlotte A. Carter-Yamauchi, Acting Director

Presented to the House Committee on Judiciary

Thursday, April 7, 2011, 2:00 p.m.
Conference Room 325

Chair Keith-Agaran and Members of the Committee:

I am Charlotte Carter-Yamauchi, Acting Director of the Legislative Reference Bureau. The Bureau appreciates this opportunity to submit the following written comments on House Concurrent Resolution No. 5, H.D. 1:

House Concurrent Resolution No. 5, H.D. 1 directs the Bureau to "conduct a study on the objectives and implementation of Hawaii's sex offender laws."

In the study, the Legislative Reference Bureau is requested to address:

- (1) Whether the goals and objectives of the state sex offender laws are being met; and
- (2) Whether the state sex offender laws are being implemented in the way they were intended.

While the Bureau takes no position on the merits of the measure, we wish to note that in the Attorney General's testimony submitted on the original draft of the measure, the Attorney General stated that he does "not believe that there is a need for a study, because based on current resources for the sex offender registration program, responsibilities to register, verify, locate, and prosecute sex offenders are being addressed." In addition, the Attorney General stated that if a study is still requested, he would require additional resources to conduct such a study.

The Attorney General's office has the capability and expertise, as well as ready access to criminal history data through its Hawaii Criminal Justice Data Center, to conduct the requested report. It is not clear from the House Committee on Human Services' report on the measure what the intent was in substituting the Bureau as the agency charged with the responsibility for conducting the study, especially since the Bureau has no expertise in this subject matter. To undertake this study would require, at the very least: an identification of all sex offender laws; a determination of the legislative intent and goals and objectives of each law; consultation with the Attorney General, the Prosecuting Attorneys and police chiefs of each county, and other agencies charged with the responsibility to administer sex offender laws to ascertain how each law has been implemented; and an identification and review of all court cases in which sex offenders were tried. Even with that information, it is uncertain whether we could make an objective determination as to whether these laws are being implemented as intended.

If the Bureau is requested to conduct the study, it would endeavor to do so to the best of its ability. However, similar to the Attorney General's request, the Bureau would require additional resources to contract the services of persons with expertise to conduct at least part of the study.

Thank you for this opportunity to provide written comments on this measure. If you have any questions, please do not hesitate to contact the Bureau at 587-0666.