

STAND. COM. REP. NO.

1622

Honolulu, Hawaii

April 5, 2013

RE: S.B. No. 1016
S.D. 1
H.D. 2

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1016, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REGISTRATION OF COVERED OFFENDERS,"

begs leave to report as follows:

The purpose of this measure is to update the covered offender registration law to clarify provisions, address issues that have arisen in implementation, and continue efforts to comply with the federal Sex Offender Registration and Notification Act. Among other things, this measure:

- (1) Amends definitions included in the covered offender registration law for purposes of conforming to federal law, maintaining internal consistency, and deleting obsolete terms;
- (2) Clarifies that covered offenders, whether or not residents of Hawaii, who remain in Hawaii for more than ten days or for an aggregate period exceeding thirty days in one calendar year, are required to register with the Attorney General and provide current permanent and temporary address information;

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- (3) Clarifies that the court shall advise a covered offender of the registration requirements and*start the registration process after sentencing and the entry of a judgment;
- (4) Provides for quarterly updates to registry information by mail for covered offenders with a permanent mailing address and in-person for those without a permanent mailing address;
- (5) Expands the conditions under which a person commits the offense of failure to comply with registration requirements;
- (6) Provides procedures for circumstances where the defendant intends to rely upon the defense that the defendant was in custody or civilly committed; and
- (7) Amends the classification of offenses for purposes of duration of registration requirements to account for offenses prosecuted in tribal or foreign jurisdictions and that are not otherwise classified in statute.

The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, and The Sex Abuse Treatment Center supported this measure.

Your Committee has amended this measure by:

- (1) Amending the definition of "foreign conviction" for convictions in countries other than Canada, United Kingdom, Australia, and New Zealand, by requiring that the United States Department of State Country Reports on Human Rights Practices also conclude that the independent judiciary of that country enforces the right to a fair trial to the same or higher standard as Canada, United Kingdom, Australia, and New Zealand;
- (2) Making it effective upon its approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1016, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1016, S.D. 1, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



