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TESTIMONY BEFORE THE HOUSE COMMITTEE  
ON EDUCATION

Wil Okabe  
President  
Joan Kamila Lewis  
Vice President  
Colleen Pasco  
Secretary-Treasurer  
Alvin Nagasako  
Executive Director

DATE: MONDAY, FEBRUARY 3, 2014

RE: H.B. 2595 – RELATING TO SEXUAL OFFENSES AGAINST MINORS

PERSON TESTIFYING: WIL OKABE  
HAWAII STATE TEACHERS ASSOCIATION

The Honorable Chair Roy Takumi, The Honorable Vice-Chair Takashi Ohno and the Members of the Committee:

The Hawaii State Teachers Association (HSTA) **supports the intent of HB 2595,** relating to Sex Offenders; Penal Code; Schools.

HSTA is the exclusive representative of more than 13,500 public and charter school teachers statewide. As the state affiliate, of the 3.2 million members of the National Education Association, HSTA believes in safe schools and preventative measures.

However, due to the complexity of this bill, HSTA supports the intent on safe schools to law enforcement officials for input.

Thank you for the opportunity to testify in the **support of the intent of HB 2595.**



# THE SEX ABUSE TREATMENT CENTER

*A Program of Kapi'olani Medical Center for Women & Children*

*Executive Director*  
Adriana Ramelli

DATE: February 3, 2014

*Advisory Board*

TO: The Honorable Roy M. Takumi, Chair  
The Honorable Takashi Ohno, Vice Chair  
House Committee on Education

*President*  
Mimi Beams

*Vice President*  
Peter Van Zile

Joanne H. Arizumi

FROM: Alana Peacott-Ricardos, Policy Research Associate  
The Sex Abuse Treatment Center

Mark J. Bennett

Andre Bisquera

RE: H.B. 2595  
Relating to Sexual Offenses Against Minors

Marilyn Carlsmith

*Senator*  
Suzanne Chun Oakland

Good afternoon Chair Takumi, Vice Chair Ohno and members of the House Committee on Education. My name is Alana Peacott-Ricardos and I am the Policy Research Associate for the Sex Abuse Treatment Center (SATC), a program of the Kapi'olani Medical Center for Women & Children (KMCWC), an affiliate of Hawai'i Pacific Health.

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

*Councilmember*  
Carol Fukunaga

SATC submits the following comments on H.B. 2595, which prohibits a sex offender convicted of a sexual offense against a minor from being present at a school or loitering within an unspecified number of feet of any school building or real property comprising a school, with certain exceptions.

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Phyllis Muraoka

Gidget Ruscetta

Joshua A. Wisch

SATC supports measures to hold sex offenders accountable and increase public safety, and supports the intent of H.B. 2595. However, we have some concerns about proposed subsections (1)(a) and (1)(c). It is unclear whether there are other policies that address these issues elsewhere, but these are important considerations in evaluating this bill.

First, subsection (1)(a) allows "[a] student who is enrolled at a particular school . . . [to be] present in or loiter[] within [an unspecified number of] feet of the school at which the student is enrolled." However, there does not appear to be safeguards to prevent the student-offender from enrolling in the same school as their victim or any measures to ensure the safety of a victim who attends the same school. It can be highly distracting and traumatic for a victim to attend the same classes as the person who assaulted them. There is nothing in the proposed law to prevent this or even acknowledge this possibility.

Second, subsection (1)(c) allows "[a] parent, legal guardian, or custodian of a child enrolled at a particular school may be permitted to be present or loiter within [an unspecified number of] feet of the school at which the child is enrolled[,] provided that person has permission from the superintendent or board of education in the case of a public school or the principal in the case of a private school. However, there are no

clear parameters set. As long as the legal caretaker has been preapproved, it appears this offender is free to come and go on campus with no clear purpose. There is nothing in the law to prevent a convicted sex offender with a child at the school from loitering on the playground at recess. A vague law has the potential to put children at risk. Contrary to the popular notion of “stranger danger,” children are far more at risk for sexual abuse from adults they know. According to a recent report by SATC, 92.5% of children receiving services from SATC knew the offender.<sup>i</sup> Physical force is rarely used, and children are often tricked or manipulated into sexual abuse through the use of affection or special attention, which could easily begin on a school campus. While we understand that a legal caretaker may need to drop off or pick up their child from school or attend meetings and events, the language “to be present and loiter” is far too broad and should be limited to school-related purposes connected to their parental duties to their own children.

Thank you for this opportunity to testify.

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<sup>i</sup> See, e.g., THE SEX ABUSE TREATMENT CENTER, SEXUAL ASSAULT VICTIMS IN THE CITY AND COUNTY OF HONOLULU: 2001-2010 STATISTICAL PROFILE 1 (2013), available at <http://satchawaii.org/pdf/sexual-assault-victims-2001-2010-statistical-report.pdf>.



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**TESTIMONY FOR HOUSE BILL 2595, RELATING TO SEXUAL OFFENSES AGAINST  
MINORS**

**House Committee on Education  
Hon. Roy M. Takumi, Chair  
Hon. Takashi Ohno, Vice Chair**

**Monday, February 3, 2014, 2:00 PM  
State Capitol, Conference Room 309**

Honorable Chair Takumi and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 175 local members. On behalf of our members, we offer this testimony in support of House Bill 2595, relating to sexual offenses against minors.

For four years, IMUAlliance has been instrumental in drafting and passing laws combating sex-trafficking in Hawaii. Though we often work with adults, many sex-trafficking victims with whom we've engaged have been minors, ranging in age from 11 to 17. Pimps and johns target children because of the high demand for young "providers" in the commercial sex industry. Last year, lawmakers banned solicitation of minors for prostitution as a class C felony (§712-1209.1; such offenders were previously charged with petty misdemeanors under Hawaii's general prostitution law, §712-1200), following efforts to increase penalties for those who promote prostitution of minors. We note that both categories of offender are included in this proposal's reference to sex offender registration, preventing them from preying on our keiki at schools, where kids and parents alike should never fear for safety. We also note that this proposal is consonant with §712-1209, which prohibits solicitation of prostitution near schools or public parks as a misdemeanor offense. We feel that the nexus between these two statutes would serve as a strong deterrent to those seeking to profit from sexual slavery.

Mahalo for the opportunity to testify in support of this bill.

Sincerely,  
Kris Coffield  
*Legislative Director*

**ohno2-Rexie**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, January 31, 2014 10:15 PM  
**To:** EDNtestimony  
**Cc:** sherrianwitt@aol.com  
**Subject:** Submitted testimony for HB2595 on Feb 3, 2014 14:00PM

**HB2595**

Submitted on: 1/31/2014

Testimony for EDN on Feb 3, 2014 14:00PM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
sherrian witt	Witt Counseling Service	Support	No

Comments: MAKE EXCEPTION THAT ANY SEX OFFENDER BE ALLOWED ON SCHOOL CAMPUSES WITH THE EXCEPTION OF NON SCHEDULED SCHOOL DAYS FOR VOTING..

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**LATE**

NEIL ABERCROMBIE  
GOVERNOR



KATHRYN S. MATAYOSHI  
SUPERINTENDENT

STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/03/2014

**Committee:** House Education

**Department:** Education

**Person Testifying:** Kathryn S. Matayoshi, Superintendent of Education

**Title of Bill:** HB 2595 RELATING TO SEXUAL OFFENSES AGAINST MINORS.

**Purpose of Bill:** Prohibits a sex offender convicted of a sexual offense against a minor from being present at a school or loitering within an unspecified number of feet of any school building or real property comprising a school. Provides certain exceptions.

**Department's Position:**

We support the intent of this bill but feel it needs more clarification on exact conditions whereby a registered sexual offender can be prohibited from entering a DOE campus. We understand parents and guardians who have been convicted of sexual offenses can pick up their children from school. What's unclear is status of property owners adjacent to the school, of which there are many, that may be affected with this bill. Again, the department supports the general intent.