
A BILL FOR AN ACT

RELATING TO SEXUAL ASSAULT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 707-731, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:
3 "(1) A person commits the offense of sexual assault in the
4 second degree if:
5 (a) The person knowingly subjects another person to an act
6 of sexual penetration by compulsion;
7 (b) The person knowingly subjects to sexual penetration
8 another person who is mentally incapacitated or
9 physically helpless; [e~~r~~]
10 (c) The person, while employed:
11 (i) In a state correctional facility;
12 (ii) By a private company providing services at a
13 correctional facility;
14 (iii) By a private company providing community-based
15 residential services to persons committed to the
16 director of public safety and having received
17 notice of this statute;



1 (iv) By a private correctional facility operating in
2 the State of Hawaii; or
3 (v) As a law enforcement officer as defined in
4 section [H]710-1000[H],
5 knowingly subjects to sexual penetration an imprisoned
6 person, a person confined to a detention facility, a
7 person committed to the director of public safety, a
8 person residing in a private correctional facility
9 operating in the State of Hawaii, or a person in
10 custody; provided that paragraph (b) and this
11 paragraph shall not be construed to prohibit
12 practitioners licensed under chapter 453 or 455 from
13 performing any act within their respective practices;
14 and further provided that this paragraph shall not be
15 construed to prohibit a law enforcement officer from
16 performing a lawful search pursuant to a warrant or
17 exception to the warrant clause[-]; or
18 (d) The person knowingly subjects to sexual penetration a
19 minor who is at least sixteen years old and the person
20 is contemporaneously acting in a professional capacity



1 to instruct, advise, or supervise the minor; provided

2 that:

3 (i) The person is not less than five years older than
4 the minor; and

5 (ii) The person is not legally married to the minor."

6 SECTION 2. Section 707-733, Hawaii Revised Statutes, is
7 amended by amending subsection (1) to read as follows:

8 "(1) A person commits the offense of sexual assault in the
9 fourth degree if:

10 (a) The person knowingly subjects another person to sexual
11 contact by compulsion or causes another person to have
12 sexual contact with the actor by compulsion;

13 (b) The person knowingly exposes the person's genitals to
14 another person under circumstances in which the
15 actor's conduct is likely to alarm the other person or
16 put the other person in fear of bodily injury; [e≠]

17 (c) The person knowingly trespasses on property for the
18 purpose of subjecting another person to surreptitious
19 surveillance for the sexual gratification of the
20 actor[-]; or



1 (d) The person knowingly engages in or causes sexual
2 contact with a minor who is at least sixteen years old
3 and the person is contemporaneously acting in a
4 professional capacity to instruct, advise, or
5 supervise the minor; provided that:

6 (i) The person is not less than five years older than
7 the minor; and

8 (ii) The person is not legally married to the minor."

9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2016.



Report Title:

Sexual Assault in the Second Degree; Sexual Assault in the Fourth Degree; Sexual Penetration; Sexual Contact; Minor

Description:

Amends the offense of sexual assault in the second degree to include a person who knowingly subjects to sexual penetration with a minor at least sixteen years of age and the person is contemporaneously acting in a professional capacity to instruct, advise, or supervise the minor, with certain exceptions. Amends the offense of sexual assault in the fourth degree to include a person who engages in or causes sexual contact with a minor at least sixteen years of age and the person is contemporaneously acting in a professional capacity to instruct, advise, or supervise the minor, with certain exceptions. (SD1)

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

