

JAN 29 2015

---

---

# A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1           SECTION 1. Section 707-732, 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 third degree if:

5           (a) The person recklessly subjects another person to an  
6 act of sexual penetration by compulsion;

7           (b) The person knowingly subjects to sexual contact  
8 another person who is less than fourteen years old or  
9 causes such a person to have sexual contact with the  
10 person;

11           (c) The person knowingly engages in sexual contact with a  
12 person who is at least fourteen years old but less  
13 than sixteen years old or causes the minor to have  
14 sexual contact with the person; provided that:

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

17           (ii) The person is not legally married to the minor;



- 1 (d) The person knowingly subjects to sexual contact  
2 another person who is mentally defective, mentally  
3 incapacitated, or physically helpless, or causes such  
4 a person to have sexual contact with the actor;
- 5 (e) The person, while employed:
- 6 (i) In a state correctional facility;
- 7 (ii) By a private company providing services at a  
8 correctional facility;
- 9 (iii) By a private company providing community-based  
10 residential services to persons committed to the  
11 director of public safety and having received  
12 notice of this statute;
- 13 (iv) By a private correctional facility operating in  
14 the State of Hawaii; or
- 15 (v) As a law enforcement officer as defined in  
16 section [+]710-1000[+],  
17 knowingly subjects to sexual contact an imprisoned  
18 person, a person confined to a detention facility, a  
19 person committed to the director of public safety, a  
20 person residing in a private correctional facility  
21 operating in the State of Hawaii, or a person in



1 custody, or causes the person to have sexual contact  
2 with the actor; or

3 (f) The person knowingly, by strong compulsion, has sexual  
4 contact with another person or causes another person  
5 to have sexual contact with the actor.

6 For the purposes of this subsection, "custody" means a  
7 person who is stopped by or under the control of a law  
8 enforcement officer for official purposes. "Custody" includes  
9 but is not limited to a law enforcement officer making a traffic  
10 stop and requesting any identification, license, or  
11 registration.

12 Paragraphs (b), (c), (d), and (e) shall not be construed to  
13 prohibit practitioners licensed under chapter 453 or 455 from  
14 performing any act within their respective practices; provided  
15 further that paragraph (e)(v) shall not be construed to prohibit  
16 a law enforcement officer from performing a lawful search  
17 pursuant to a warrant or an exception to the warrant clause."

18 SECTION 2. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20



# S.B. NO. 1335

1 SECTION 3. This Act shall take effect upon its approval.

2

INTRODUCED BY: Will Eyo



# S.B. NO. 1335

**Report Title:**

Public Safety; Law Enforcement Officers; Custody; Sexual Assault  
in the Third Degree

**Description:**

Defines "custody" to mean a person who is stopped by or under the control of a law enforcement officer for official purposes. Prohibits a law enforcement officer from knowingly subjecting a person to sexual contact when making a traffic stop and requesting any identification, license, or registration.

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

