

STAND. COM. REP. NO.

2090

Honolulu, Hawaii

FEB 11 2016

RE: S.B. No. 2193

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 2193 entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to define "person
in custody" as used in the offenses of sexual assault in the
second degree and third degree to explicitly prohibit certain
persons from knowingly subjecting a person who is stopped by or
under the control of a law enforcement officer to sexual
penetration or sexual contact, respectively.

Your Committee received testimony in support of this measure
from the Department of Public Safety, Department of the
Prosecuting Attorney for the City and County of Honolulu, Sex
Abuse Treatment Center, and one individual. Your Committee
received testimony in opposition to this measure from the
Department of the Prosecuting Attorney for the County of Maui.

Your Committee finds that a recent, well-publicized case in
which a law enforcement officer initiated inappropriate sexual
contact on a motorist during a traffic stop highlights the need
for clarity in the definition of the term "person in custody".
The proposed new definition would broaden the definition of the
term and clarify the range of its potential interpretations.



Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2193, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2193, S.D. 1, and be referred to your Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,



CLARENCE K. NISHIHARA, Chair



