

Honolulu, Hawaii

MAR 03 2016

RE: S.B. No. 2193
S.D. 2

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

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 2193, S.D. 1, 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 the Prosecuting Attorney, City and County of Honolulu; Hawaii Women's Coalition; The Sex Abuse Treatment Center; American Association of University Women of Hawaii; and six individuals. Your Committee received testimony in opposition to this measure from one individual.

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". This measure proposes a new definition to broaden the meaning of the term and clarify the range of its potential interpretations.

Your Committee has amended this measure by:



- (1) Adding a savings clause; and
- (2) 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 Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2193, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2193, S.D. 2.

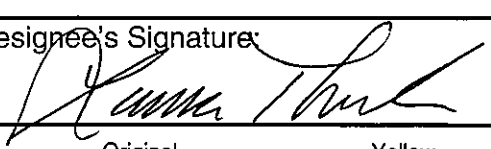
Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2193 SD1	PSM, JDL	2/23/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)				/
GABBARD, Mike				/
KAHELE, Kaiali'i	/			
KIM, Donna Mercado	/			
THIELEN, Laura H.	/			
SLOM, Sam				/
TOTAL	4			3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes