



SB 938

Measure Title:	RELATING TO FAILURE TO REPORT A MISSING CHILD.
Report Title:	Felony; Report death or disappearance of child; False report
Description:	Establishes penalties for caregivers who fail to report the death or disappearance of a child to law enforcement or who provide false information to law enforcement authorities.
Companion:	
Package:	None
Current Referral:	HSH, JDL
Introducer(s):	SLOM, GABBARD, INOUE, KEITH-AGARAN, KIDANI, KIM, RUDERMAN, Harimoto

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE **RC-NTK**

February 17, 2015

The Honorable Suzanne Chun Oakland, Chair
and Members
Committee on Human Services and Housing
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Chun Oakland and Members:

SUBJECT: Senate Bill No. 938, Relating to Failure to Report a Missing Child

I am Richard C. Schaab, Captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports Senate Bill No. 938, Relating to Failure to Report a Missing Child.

The Honolulu Police Department knows it is crucial to act immediately on any suspicious circumstances that involve the safety of a child. Time is of the essence from the initial search for a missing child to the beginning of an investigation of the death of a child. Holding the caregiver responsible to do his or her part to make sure the child or children are cared for in a safe environment is imperative. When the safety of a child is in jeopardy, the caregiver should be held accountable for reporting truthful information to law enforcement immediately.

The Honorable Suzanne Chun Oakland, Chair
and Members

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February 17, 2015

The Honolulu Police Department urges you to support Senate Bill No. 938,
Relating to Failure to Report a Missing Child.

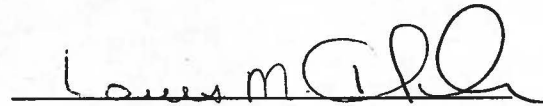
Thank you for the opportunity to testify.

Sincerely,



Richard C. Schaab, Captain
Criminal Investigation Division

APPROVED:



Louis M. Kealoha
Chief of Police

TESTIMONY OF THE HAWAII POLICE DEPARTMENT

SENATE BILL 938

RELATING TO FAILURE TO REPORT A MISSING CHILD

BEFORE THE COMMITTEE ON HUMAN SERVICES AND HOUSING

DATE : Tuesday, February 17, 2015

TIME : 1:20 P.M.

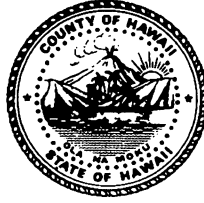
PLACE : Conference Room 016
State Capitol
415 South Beretania Street

PERSON TESTIFYING:

Police Chief Harry S. Kubojiri
Hawaii Police Department
County of Hawaii

(Written Testimony Only)

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

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February 11, 2015

Senator Suzanne Chun Oakland
Chairman and Committee Members
Committee on Human Services and Housing
415 South Beretania Street, Room 016
Honolulu, Hawai'i 96813

Re: SENATE BILL 938 RELATING TO FAILURE TO REPORT A MISSING CHILD

Dear Senator Chun Oakland:

The Hawai'i Police Department supports Senate Bill 938, with its purpose being to establish penalties for caregivers who fail to report the death or disappearance of a child to law enforcement or who provide false information to law enforcement authorities.

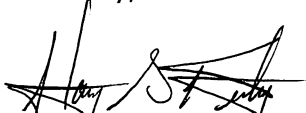
We believe this legislation as written will serve to ensure the safety of our Keiki through timely reporting when they are missing. We further believe consideration might be given towards lowering the reporting time from the proposed 48-hour limit. Our belief in a lowered time limit is predicated upon the fact that the sooner the matter is reported to Law Enforcement, the matter has a better chance for a more successful outcome as our investigation can begin prior to key evidence being lost.

Furthermore, we especially embrace the proposal of making it a felony offense for a caregiver to give false information to law enforcement as a means of impeding or misleading either a missing child case or a felony criminal investigation that involves a child in the caregiver's care. We believe the process of impeding or misleading law enforcement is a serious matter, which may involve grave consequences for the victim as well as an expenditure of resources as a result of the false information.

It is for these reasons, we urge this committee to approve this legislation.

Thank you for allowing the Hawai'i Police Department to provide comments relating to Senate Bill 938.

Sincerely,


HARRY S. KUBOJIRI
POLICE CHIEF



BERNARD P. CARVALHO, JR.
Mayor

NADINE K. NAKAMURA
Managing Director

POLICE DEPARTMENT COUNTY OF KAUAI

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DARRYL D. PERRY
Chief of Police
dperry@kauai.gov

February 13, 2015

Senator Sam Slom, Minority Leader
Hawaii State Capitol Room 214
Committee Members
Committee on Human Services and Housing

Subject: **S.B. NO. 938 Relating to Failure to Report a Missing Child, aka: Caylee's Law**

Dear Senate Minority Leader Slom,

The Kauai Police Department strongly supports Senate Bill 938 related to Failure to report a missing child, Failure to report the death of missing child within two (2) hours of discovery of the child's death and giving false information to law enforcement regarding a missing child.

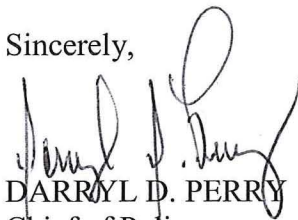
From our experience in dealing with these types of cases, the sooner a report is filed by a caregiver in custody of the child, the better the results in locating the child alive and well.

A suggestion that could even strengthen this bill could be to add a new section under 709-(d) that if a child is under the age of twelve years old, the caregiver must report the child as missing to a law enforcement agency upon expiration of the twelve hour period since the child went missing.

It would seem reasonable and prudent that a caregiver would take the necessary action to file a report with a law enforcement agency if a child under twelve years old went missing because at that age, forty-eight hours may just be long of a period for the child to survive.

Thank you very much for your time and consideration regarding this matter.

Sincerely,



DARRYL D. PERRY
Chief of Police



The Public Policy Voice for the Roman Catholic Church in the State of Hawaii

HEARING: Senate Committee on HSH hearing on February 17, 2015 @ 1:20 p.m. #016.
SUBMITTED: February 12, 2015
TO: Senate Committee on Human Services and Housing
Sen. Suzanne Chun Oakland, Chair
Sen. Josh Green, Vice Chair
FROM: Walter Yoshimitsu, Executive Director
RE: Support for SB 938 Relating to Failure to Report a Missing Child

Honorable Chairs and members of the Senate Committee on Human Services and Housing, I am Walter Yoshimitsu, **representing the Hawaii Catholic Conference**. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii, which under the leadership of Bishop Larry Silva, represents Roman Catholics in the State of Hawaii. The Church holds that all human life, both before and after birth, has inherent dignity, and that all laws passed have the duty to respect the dignity of both parent and child.

Throughout the history of our faith, the Catholic Church has emphasized and extolled the importance of parents and their primary role in the raising of their children. This is not only a Catholic virtue, this a societal virtue. As Catholics, we treasure the life and the dignity of each and every child as a gift. Their life should be a living testimony of the mutual love and respect of their parents. For this reason, our faith teaches us that the child has the right to be treated with respect. (Congregation on the Doctrine of Faith, *Donum Vitae*, February 22, 1987, II B 8).

We ask no less from anyone who stands in that important role as caregiver. As such, we support SB 938 which establishes penalties for caregivers who fail to report the death or disappearance of a child to law enforcement. This is an obligation on both parents, whether living together or separated. They must also keep their children from all danger to life and protect them from possible death. In the event of a child's death or disappearance, immediate notification to the proper authorities is the responsible and right thing to do. We do, however, leave the legal and technical aspects of the law to the experts.

Mahalo for the opportunity to testify.



ONLINE TESTIMONY SUBMITTAL
Senate Committee on Human Services & Housing
Hearing on February 17, 2015 @ 1:20 p.m.
Conference Room #016

DATE: February 12, 2015

TO: Senate Committee on Human Services & Housing
Senator Suzanne Chun Oakland, Chair
Senator Josh Green, Vice Chair

FROM: Eva Andrade, Executive Director

RE: Support for SB 938 Relating to Failure to Report a Missing Child

Honorable Chair and members of the Senate Committee on Human Services and Housing, I am Eva Andrade, **representing the Hawaii Family Forum**. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations. The protection of children is a very important priority for people of faith.

In this beautiful place we call home, one would think that any parent whose child goes missing would immediately call the proper authorities for help finding the child as soon as possible. Or, in the worst case scenario, if they found their child had suddenly died, would immediately contact the police so that a proper investigation could take place. Sadly, as in the case of Caylee Anthony, it doesn't always happen that way.

The suggested language in the bill would apply to parents who "knowingly or negligently fails" to make the report in excess of forty-eight hours. We support the goal of SB 938 to ensure that caregivers of Hawai'i's keiki take their responsibilities seriously. We strongly believe that the first and foremost responsibility of a parent is to ensure the safety and wellbeing of their child. Although parents may not report their children as missing because they are afraid of being charged with child neglect or some similar crime, the penalty should encourage parents to do the right thing.

Mahalo for the opportunity to testify.

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

Date: February 11, 2015

To: Senator Suzanne Chun Oakland, Chair
Senator Josh Green, Vice Chair

COMMITTEE ON HUMAN SERVICES AND HOUSING

From: Marci Lopes, Executive Director
Hawaii State Coalition Against Domestic Violence

RE: SB 938- SUPPORT

PLACE: Conference Room 016

DATE and TIME: Tuesday, February 17, 2015 1:20 p.m.

The Hawaii State Coalition Against Domestic Violence is a statewide partnership of 21 domestic violence programs and 9 emergency domestic violence shelters. We have member representation from domestic violence service providers on 6 of our Hawaiian Islands. Our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

We support all efforts to end violence in our communities, and to hold the perpetrators of the violence accountable. We support SB 938 as an effort to protect young children, and to establish penalties for caregivers who fail to report the death or disappearance of a child to law enforcement. This is a strong effort to increase safety for all in our communities, and to take a stand against violence and maltreatment.

We would like to thank the committee's efforts to make our communities safe and free from violence.

Respectfully,

Marci Lopes, Executive Director