
A BILL FOR AN ACT

RELATING TO COVERED OFFENDER REGISTRATION.

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

1 SECTION 1. The legislature places a high value on the
2 protection of its citizens against sexual predators. The
3 legislature finds that one way it has provided protection is by
4 requiring sex offenders to register with the department of the
5 attorney general and for registry information to be available to
6 the public. The Hawai'i Supreme Court, in its ruling in Doe v.
7 Attorney General, 145 Hawaii, 469, 454 P. 3d 410 (2019)
8 determined that the visitor demonstrated that his conviction
9 under the Washington State laws for solicitation of a minor
10 under fourteen years of age to engage in sexual conduct was not
11 a covered offense under Hawai'i law and was not required to
12 register as a sex offender in Hawai'i. Hawai'i's sex offender
13 registration laws currently allow out-of-state visitors who
14 intend to visit in Hawai'i for ten or more days and who have been
15 or are required to be registered in their state as a sex
16 offender involving minors, to avoid registration in Hawai'i if
17 the visitor can;



1 (1) Establish that their status as a sex offender and any
2 registration requirement in their state has been
3 removed in accordance with the law of their state or
4 by the courts of their state, and that they do not
5 meet the criteria for registration as a covered
6 offender in Hawai'i; or

7 (2) Demonstrate that the out-of-state conviction in their
8 state is not for covered offenses under Hawai'i law so
9 that they do not meet the criteria for registration as
10 a covered offender in Hawai'i.

11 The legislature finds that allowing visitors to avoid
12 registering as a sex offender in Hawai'i by demonstrating that
13 Hawai'i's law is different from the law of the state that
14 required the visitor to register as a sex offender involving
15 minors is an unintended loophole in the registration law. The
16 loophole allows a visitor who may still be subject to
17 registration as a sex offender in the state that required the
18 registration to avoid registration in Hawai'i by demonstrating
19 differences in Hawai'i law and the law of the state that required
20 the visitor to register as sex offender. The legislature
21 believes that if a visitor to Hawai'i is required to register as



1 a sex offender in a state or in any other jurisdiction, the
2 visitor must also be required to register in Hawai'i to comply
3 with the purpose and intent of the sex offender registration law
4 of Hawai'i and other states and jurisdictions.

5 The purpose of this Act is to require those persons who
6 have been designated as a covered offender, sex offender,
7 offender against minors, repeat covered offender, sexually
8 violent predator, or any other sexual offender designation in
9 another state, who is or would be required to be on a sex
10 offender registry in that state, to be subject to registration
11 requirements in the State of Hawai'i.

12 SECTION 2. Section 846E-2, Hawaii Revised Statutes is
13 amended by amending subsection (b) to read as follows:

14 "(b) A person who establishes or maintains a residence in
15 this State and who has not been designated as a covered offender
16 by a court of this State but who has been designated as a
17 covered offender, sex offender, offender against minors, repeat
18 covered offender, sexually violent predator, or any other sexual
19 offender designation in another state or jurisdiction and was,
20 as a result of such designation, subjected to registration or
21 community or public notification, or both, or would be if the



1 person was a resident of that state or jurisdiction, without
 2 regard to whether the person otherwise meets the criteria for
 3 registration as a covered offender, shall register in a manner
 4 provided in this section and shall be subject to community and
 5 public notification as provided in section 846E-3. A person who
 6 meets the criteria of this subsection is subject to the
 7 requirements and penalty provisions of section 846E-9 until such
 8 person successfully petitions the attorney general for
 9 termination of registration requirements by[+]

10 ~~(1) Providing]~~ providing an order issued by the court that
 11 designated the person as a covered offender, sex
 12 offender, offender against minors, repeat covered
 13 offender, sexually violent predator, or any other
 14 sexual offender designation in the state or
 15 jurisdiction in which the order was issued, which
 16 states that such designation has been removed or
 17 demonstrates to the attorney general that such
 18 designation, if not imposed by a court, has been
 19 removed by operation of law or court order in the
 20 state or jurisdiction in which the designation was
 21 made and such person does not meet the criteria for



1 registration as a covered offender under the laws of
2 this State [~~;~~ ~~or~~
3 ~~(2) Demonstrating that the out of state convictions upon~~
4 ~~which the sexual offender designation was established~~
5 ~~are not covered offenses under section 846E-1, thereby~~
6 ~~showing that such person does not meet the criteria~~
7 ~~for registration as a covered offender under the laws~~
8 ~~of this State].~~

9 If the covered offender is not satisfied with the decision
10 of the attorney general on the request for termination of
11 registration requirements, the covered offender may appeal the
12 decision pursuant to chapter 91."

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Covered Offender Registration; Out-of-State Covered Offender Designations

Description:

Repeals provision that allows persons designated as covered offenders in another state or jurisdiction to petition the Attorney General for termination of registration requirements upon demonstrating that the out of state convictions are not covered offenses in the State of Hawaii. (SD1)

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