

JAN 17 2020

A BILL FOR AN ACT

RELATING TO A DOMESTIC VIOLENCE OFFENDER REGISTRY.

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

1 SECTION 1. The legislature finds that domestic violence is
2 a serious and pervasive issue facing many families and
3 communities in the State. Domestic violence-related offenses
4 carry wide-ranging effects, including injury to mental and
5 physical health, erosion of economic and housing stability, and
6 vicarious victimization of children, who are often bystander
7 witnesses. There is currently no way of knowing whether any
8 particular person has a domestic violence offense history unless
9 a criminal background check or search of court records is
10 conducted.

11 The legislature believes that the establishment of a
12 searchable public registry of domestic violence offenders is an
13 important step toward preventing future victimization and
14 reducing overall rates of domestic violence. The legislature
15 notes that states such as Washington have also considered
16 similar proposals to create domestic violence offender
17 registries, through legislation sometimes known as Tina's Law.



1 Tina's Law is named after Tina Stewart, a thirty-year-old
2 Washington resident and mother of two young children who was
3 brutally beaten to death by her boyfriend on Thanksgiving Day in
4 2017. Unbeknownst to the victim or her family, the boyfriend
5 had a history of violent offenses. Advocates for Tina's Law
6 point out that Tina's life could have been spared if a domestic
7 violence offender registry had existed in her state.

8 It should be noted that the legislature does not intend for
9 the registry to be punitive or an extension of punishment.
10 Instead, the legislature's intent is that the registry serve as
11 a reasonable regulatory scheme designed to facilitate public
12 access to identification and relevant criminal history
13 information regarding domestic violence offenders. Members of
14 the public have a compelling interest in identifying domestic
15 violence offenders so that they may make informed decisions in
16 furtherance of personal security.

17 The purpose of this Act is to:

- 18 (1) Create a domestic violence offender registry that is
19 maintained by the attorney general and accessible by
20 the public;



1 "Covered offender" means a person who is or has been
2 convicted at any time of a domestic violence offense, as
3 determined by the court at the time of sentencing pursuant to
4 section 706- .

5 "Domestic violence offense" means any conviction for an
6 offense whose underlying factual basis involved physical harm,
7 bodily injury, assault, or the threat of imminent physical harm,
8 bodily injury, or assault, extreme psychological abuse, or
9 malicious property damage between family or household members.

10 "Family or household member" has the same meaning as
11 provided in section 709-906.

12 "Registration information" means the information specified
13 in section -2(c) and (d).

14 **§ -2 Registration requirements.** (a) A covered offender
15 who remains in the State for more than ten consecutive days
16 shall register, before the end of the eleventh day in the State,
17 with the chief of police of the county in which the covered
18 offender resides or is present.

19 (b) A previously-registered covered offender shall
20 reregister with the chief of police where the covered offender



1 is located no later than ten days after moving to a new location
2 within the State.

3 (c) Registration for each covered offender shall include a
4 signed statement by the covered offender containing:

5 (1) The name, all prior names, nicknames and pseudonyms,
6 and all aliases used by the covered offender or under
7 which the covered offender has been known;

8 (2) The date of birth of the covered offender;

9 (3) The social security number of the covered offender;

10 (4) The actual address and telephone number of the covered
11 offender's residence or any current, temporary address
12 where the covered offender resides, or if an address
13 is not available, a description of the place or area
14 in which the covered offender resides for at least
15 thirty nonconsecutive days within a sixty-day period,
16 and for each address or place where the covered
17 offender resides, how long the covered offender has
18 resided there;

19 (5) The actual address or description of the place or
20 area, the actual length of time of the stay, and
21 telephone number where the covered offender is staying



1 for a period of more than ten days, if other than the
2 stated residence;

3 (6) Names and, if known, actual business addresses of
4 current and known future employers, including
5 information for any place where the covered offender
6 works as a volunteer or otherwise works without
7 remuneration, and the starting and ending dates of any
8 such employment; and

9 (7) All covered offenses for which the covered offender
10 has been convicted, along with the date and place of
11 the conviction.

12 (d) The following information shall also be included in
13 the registry for each covered offender:

14 (1) A current photograph of the covered offender;

15 (2) Digitized fingerprints and palm prints of the covered
16 offender; and

17 (3) A physical description of the covered offender,
18 including a description of particular identifying
19 characteristics such as scars or tattoos.

20 (e) In addition to any other requirement to register under
21 this section, each covered offender shall annually renew the



1 covered offender's registration with the appropriate chief of
2 police before December 31 of each subsequent calendar year for a
3 period of fifteen years from the date of conviction; provided
4 that a covered offender convicted of a class A felony domestic
5 violence offense shall annually renew the covered offender's
6 registration during the covered offender's lifetime.

7 **§ -3 Failure to comply with covered offender**

8 **registration requirements.** A covered offender commits a class C
9 felony by intentionally or knowingly:

10 (1) Failing to comply with the registration requirements
11 under this chapter; or

12 (2) Providing false information in response to the
13 registration requirements under this chapter.

14 **§ -4 Chief of police; duties.** (a) Each chief of police
15 shall maintain a local registry of covered offenders in the
16 chief's jurisdiction who are required to register under this
17 chapter.

18 (b) Each chief of police shall forward all registration
19 information obtained under this chapter to the attorney general.

20 **§ -5 Attorney general; duties; public access.** (a) The
21 attorney general shall maintain a central registry of all



1 covered offenders required to register under this chapter;
2 provided that records of each covered offender's registration
3 shall be maintained for the duration of the time period in which
4 the covered offender is required to be registered.

5 (b) All information contained in the central registry,
6 with the exception of the covered offender's social security
7 number, shall be made available to the public through internet
8 access, telephone access, written access, and on-site access;
9 provided that on-site public access shall be provided for each
10 covered offender at the Hawaii criminal justice data center and
11 at one or more designated police stations in each county, to be
12 designated by the attorney general, between the hours of 8:00
13 a.m. and 4:30 p.m. on weekdays, excluding holidays."

14 SECTION 3. Chapter 706, Hawaii Revised Statutes, is
15 amended by adding a new section to part I to be appropriately
16 designated and to read as follows:

17 "§706- Domestic violence offender; determination by
18 court. (1) At the time of the defendant's sentencing, the
19 court shall determine whether the defendant is a covered
20 offender who is required to register as a domestic violence
21 offender pursuant to chapter .



1 (2) If the court determines that the defendant is required
 2 to register as a domestic violence offender, the court shall
 3 orally inform the defendant on the record of this requirement;
 4 provided that the requirement shall also be stated in writing in
 5 the court's judgment of conviction."

6 SECTION 4. This Act does not affect rights and duties that
 7 matured, penalties that were incurred, and proceedings that were
 8 begun before its effective date.

9 SECTION 5. New statutory material is underscored.

10 SECTION 6. This Act shall take effect on January 1, 2021.

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S.B. NO. 2739

Report Title:

AG; County Police Chiefs; Domestic Violence Offender Registry

Description:

Creates a domestic violence offender registry that is maintained by the Attorney General and accessible by the public. Requires covered offenders to register and annually renew their registration for 15 years, or for life if convicted of a class A felony domestic violence offense. Establishes a class C felony offense for failing to register or for providing false information during the registration process. Requires county police chiefs to maintain a local registry of covered offenders and forward this information to the Attorney General.

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