

STAND. COM. REP. NO.

3771

Honolulu, Hawaii

JUL 0 2 2020

RE: H.B. No. 1942  
H.D. 2  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1942, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHILD ABUSE REPORTING,"

begs leave to report as follows:

The purpose and intent of this measure is to add members of the clergy, commercial computer technicians, and commercial film and photographic print or image processors, to the categories of persons who are required to report under Hawaii's child abuse and neglect mandated reporting law.

Your Committee received testimony in support of this measure from the Department of Human Services, Parents and Children Together, Hawaii Youth Services Network, and two individuals. Your Committee received testimony in opposition to this measure from the Hawaii Family Advocacy Team. Your Committee received comments on this measure from one individual.

Your Committee finds that individuals working in fields such as medicine, law enforcement, and social services are mandated to report instances of child abuse or neglect; however, Hawaii is only one of four states and three United States territories that does not include members of the clergy as mandatory reporters. Your Committee further finds that as sexual exploitation of children continues to occur online and to protect more children



from exploitation and abuse, computer technicians should be required to report to law enforcement any computer files containing child pornography. This measure updates Hawaii's mandatory child abuse and neglect reporting law by adding members of the clergy, commercial computer technicians, and commercial film and photographic print or image processors to the categories of persons who are required to report under Hawaii's child abuse and neglect mandated reporting law.

Your Committee has amended this measure by:

- (1) Inserting language to specify that a member of the clergy is not be required to report information gained solely during a penitential communication; but, when a clergy member receives reportable information from any other source, the clergy member shall comply with the reporting requirements, regardless of whether or not the clergy member received the same information during a penitential communication;
- (2) Inserting a definition of "penitential communication";
- (3) Extending the safe harbor provision from January 1, 2021, to March 1, 2021, to provide approximately six months for reporting of previously known but undisclosed information; and
- (4) Making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1942, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1942, H.D. 2, S.D. 2.



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



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KARL RHOADS, Chair



