

STAND. COM. REP. NO.

2925

Honolulu, Hawaii

FEB 27 2020

RE: S.B. No. 1175  
S.D. 1

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 S.B. No. 1175 entitled:

"A BILL FOR AN ACT RELATING TO COVERED OFFENDER REGISTRATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend chapter 846E, Hawaii Revised Statutes, the covered offender registration law, to require defendants charged with a covered offense to register whether they were subsequently involuntarily hospitalized; found unfit to proceed; had charges dismissed by reason of physical or mental disease, disorder, or defect; or were acquitted by reason of physical or mental disease, disorder, or defect;
- (2) Clarify that persons required to register pursuant to section 846E-2(b), Hawaii Revised Statutes, are covered offenders; and
- (3) Clarify that criminal justice agencies that are responsible for administering the covered offender registration program are authorized to access confidential registration information necessary to



facilitate the required registration and verification provisions of chapter 846E.

Prior to decision making on this measure, your Committee made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1 deletes the measure's contents and inserts language to repeal the provision that allows persons who establish or maintain a residence in this State and are designated as covered offenders in another state or jurisdiction, but not by a Hawaii court, to petition the Attorney General for termination of registration requirements upon demonstrating that the out-of-state convictions are not covered offenses under Hawaii law.

Your Committee received testimony in support of the Proposed S.D. 1 from the Department of the Attorney General and one individual. Your Committee received testimony in opposition to the Proposed S.D. 1 from Washington Voices.

Your Committee finds that existing sex offender registration laws allow out-of-state persons who intend to visit in Hawaii for ten or more days and persons who establish or maintain a residence in Hawaii, and who have been or are required to be registered in another state as a sex offender to avoid registration by establishing that the other state has removed their status or demonstrating that the out-of-state conviction in their state is not for covered offenses under Hawaii law so that they do not meet the criteria for registration as a covered offender in Hawaii.

Your Committee further finds that allowing out-of-state covered offenders to avoid registering as a sex offender in Hawaii by demonstrating that Hawaii's law is different from the law of the state that required the person to register as a sex offender is an unintended loophole in the registration law. This measure closes the loophole by requiring those persons who have been designated as any sexual offender designation in another state, who is or would be required to be on a sex offender registry in that state, to be subject to registration requirements in the State of Hawaii.

Your Committee has amended this measure by adopting the proposed S.D. 1. and further amending the measure by 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 that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1175, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1175, S.D. 1, and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes  
Committee on Judiciary  
JDC**

Bill / Resolution No.:* <b>SB 1175</b>	Committee Referral: <b>JDC</b>	Date: <b>2/20/2020</b>		
<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
RHOADS, Karl (C)	//			
KEOHOKALOLE, Jarrett (VC)	//			
GABBARD, Mike				/
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes