



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

LATE

ON THE FOLLOWING MEASURE:

S.B. NO. 1175, PROPOSED S.D. 1, RELATING TO COVERED OFFENDER REGISTRATION.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Thursday, February 20, 2020 **TIME:** 9:15 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Clare E. Connors, Attorney General, or
Paul R. Mow, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General supports this bill and provides the following comments. The purpose of this bill is to require those persons who have been designated a covered offender, sex offender, offender against minors, repeat covered offender, sexually violent predator, or any other sexual offender designation in another state or jurisdiction, 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 Hawai'i. These registered sex offenders include not only "out-of-state visitors who intend to visit in Hawai'i for ten or more days", but also those who stay for an aggregate period exceeding thirty days in one calendar year, and persons who establish and maintain a residence in Hawai'i.

Under section 846E-2(b), Hawaii Revised Statutes (HRS), persons who have been designated as a covered offender or any other sex offender designation in another jurisdiction and who establish and maintain a residence in Hawai'i must register with the Attorney General without regard to whether the offender otherwise meets the criteria of a covered offender in the State of Hawai'i. However, section 846E-2(b)(2) provides that offenders could petition the Attorney General that their out-of-state convictions upon which the sexual offender designation was established are not covered offenses under

section 846E-1, HRS, thereby showing that such person does not meet the criteria for registration as a covered offender under the laws of this State.

S.B. No. 1175, S.D. 1, deletes section 846E-2(b)(2), HRS, but an individual can continue to petition the Attorney General for removal from registration, if the petition is supported by a court order that the sex offender designation has been removed by the state or jurisdiction where the designation was made.

The Department is in favor of this change in the law for two reasons. First, it provides clarity that, if a person is a designated sex offender in another state, that person must register in Hawai'i. Second, it provides disincentives to those who commit sex crimes, where that crime is not a covered offense in Hawai'i law, from moving to our state for the purpose of living here to avoid covered offender registration.

The Department of the Attorney General respectfully asks the Committee adopt the proposed S.D. 1 and pass this bill.

SB-1175

Submitted on: 2/17/2020 11:05:56 AM

Testimony for JDC on 2/20/2020 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mathew Lawson	Testifying for WashingtonVoices	Oppose	No

Comments:

Honorable Chairman Rhoads, Vice Chair Keohokaloe, and members of the Senate Judiciary Committee:

I write on behalf of the WashingtonVoices@gmail.com group to oppose the new proposed SB 1175 as written. First, the preamble of the bill is inaccurate and very misleading. If one reads the *John Doe v. AG* Supreme Court opinion, the offense for which Doe was convicted, it was never characterized the way it is depicted in the proposed bill. I urge you to read the opinion and address issues that you may have with the opinion, but please do not let the Governor's untrue and scary language remain in your legislation. You owe it to your citizens to be true and accurate in your legislation, including the reasons for why legislation is written and passed.

Second, the offense for which Doe was convicted in Washington was a misdemeanor requiring registration in Washington State for a ten-year period. If he were convicted of any offense for which were equivalent to those enumerated in Chapter 846E, he would have to register for much longer or for life in Washington. Washington State has a very broad offense that requires registration, which many other states (including AK, TX, NM, OH, PA, and others) do not recognize as a registrable offense in those states.

The Court opinion stated that if anyone who's conduct, which leads to a conviction, is equivalent to a numerated HRS offense listed in 846E-1, then that person would be required to register in Hawaii. This very narrow exception covers very few individuals. If you require such out of state offenders to summarily register, it appears it would be for life and not clear if there was a means to petition to be removed.

We have watched the legislature in the past turn down such proposals and has kept Chapter 846E-1 mainly as is for than a decade. We urge you to leave the statute as is, for it is working and providing coverage for those individuals who has committed much more serious offenses.

Though we believe the registry does not provide any substantiated benefit, we do not expect the registry to be abandoned. We do however hope that logic prevails here, and that this propoised legislation not be moved forward.

Thank you for your consideration.

Mathew Lawson

WashingtonVoices@gmail.com

SB-1175

Submitted on: 2/15/2020 4:51:44 PM

Testimony for JDC on 2/20/2020 9:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments: