

HOUSE OF REPRESENTATIVES
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2021

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair
Rep. Scot Z. Matayoshi, Vice Chair

| | |
|--------------------------|---------------------------|
| Rep. Linda Ichiyama | Rep. Nadine K. Nakamura |
| Rep. Dale T. Kobayashi | Rep. Roy M. Takumi |
| Rep. Matthew S. LoPresti | Rep. Chris Todd |
| Rep. Nicole E. Lowen | Rep. James Kunane Tokioka |
| Rep. Angus L.K. McKelvey | Rep. Gene Ward |

NOTICE OF HEARING

DATE: Tuesday, February 23, 2021
TIME: 2:00 PM
PLACE: VIA VIDEOCONFERENCE
Conference Room 325
State Capitol
415 South Beretania Street

THE STATE CAPITOL IS CLOSED TO THE PUBLIC DURING THE ONGOING COVID-19 PANDEMIC

Please note that the committee members will participate remotely via videoconference.
Click [here](#) to submit testimony and to testify remotely.

A live stream link of all House Standing Committee meetings will be available online
shortly before the scheduled start time.

Click [here](#) for the live stream of this meeting via YouTube.
Click [here](#) for select hearings broadcast live on 'Ōlelo Community Media for cable TV.

A G E N D A

[HB 568](#)
[Status](#)

RELATING TO SEX TRAFFICKING.
Authorizes a prosecution for sex trafficking to be commenced at any time. Includes coercion as a means of committing the offense of sex trafficking. Makes the solicitation of a minor for sex a strict liability offense of sex trafficking. Repeals the offense of solicitation of a minor for prostitution.

JHA

[HB 169](#)
[Status](#)

RELATING TO DISORDERLY CONDUCT.
Amends the offense of disorderly conduct to include engaging in conduct with the intent to convey certain false or misleading information.

JHA

HEARING_JHA_02-23-21_
HEARING_JHA_02-23-21_
HEARING_JHA_02-23-21_

| | | |
|--|--|----------|
| HB 170 Status | RELATING TO THEFT IN THE SECOND DEGREE. Amends the offense of theft in the second degree to include theft of property commonly used to store items of personal or monetary value, including any purse, handbag, or wallet. | JHA |
| HB 171 Status | RELATING TO PROPERTY CRIMES. Changes the state of mind required for section 486M-7, Hawaii Revised Statutes, penalties to intentionally, knowingly, or recklessly. | JHA |
| HB 172 Status | RELATING TO OFFENSES AGAINST PROPERTY RIGHTS. Establishes the offense of unauthorized control of a propelled vehicle in the second degree, which applies if a person recklessly or negligently exerts unauthorized control over another's propelled vehicle by operating the vehicle without the owner's consent or by changing the identity of the vehicle without the owner's consent. | JHA |
| HB 181, HD1 (HSCR372) Status | RELATING TO THE DEFINITION OF PROPERTY. Updates the definition of "property" as it relates to offenses against property rights under the penal code to expressly include property stored in an electronic medium. Effective 1/1/2050. (HD1) | CPC, JHA |
| HB 177 Status | RELATING TO SEXUAL ASSAULT. Amends the offenses of sexual assault in the first and third degree, when perpetrated against someone who is mentally defective, to remove the standard of proof regarding knowledge that the other person was mentally defective, as that term is defined in section 707-700, Hawaii Revised Statutes. | JHA |
| HB 250, HD1 (HSCR408) Status | RELATING TO SEXUAL ASSAULT. Includes as offenses of sexual assault in the second degree and sexual assault in the third degree, offenses against a person who is stopped by a law enforcement officer and a person who is accompanied by a law enforcement officer for official purposes. Effective 12/25/2040. (HD1) | LAT, JHA |
| HB 887 Status | RELATING TO CRIME. Creates a separate offense for those who provide anything of value to engage in sexual conduct with another; adds sex trafficking to offenses that can be prosecuted at any time; makes a person strictly liable for sex trafficking of a minor in terms of the victim's age; changes the name of the crime of solicitation of a minor for prostitution to commercial sexual exploitation of a minor while closing loopholes in the law that allow offenders to escape liability, and increases the grade of offense to a class B felony; adds "anything of value" to reflect the reality of non-monetary compensation used in commercial sexual exploitation. | JHA |
| HB 975, HD1 (HSCR609) Status | RELATING TO REPORTS OF CHILD ABUSE. Adds immunity from civil and criminal liability for individuals who provide information or assistance in child abuse investigations. Effective 7/1/2060. (HD1) | HHH, JHA |

HEARING_JHA_02-23-21_

HEARING_JHA_02-23-21_

HEARING_JHA_02-23-21_

| | | |
|---|--|----------|
| <u>HB 980, HD1</u> <u>(HSCR451)</u> <u>Status</u> | RELATING TO ADULT PROTECTIVE SERVICES. Broadens the Department of Human Services' right of entry into a vulnerable adult's premises to cover situations in which there is probable cause to believe a vulnerable adult is subject to any type of abuse, regardless of whether there is physical injury. Effective 7/1/2060. (HD1) | HHH, JHA |
| <u>HB 571, HD1</u> <u>(HSCR289)</u> <u>Status</u> | RELATING TO CHILDLIKE SEX DOLLS. Establishes the felony offense of importation, sale, or possession of a childlike sex doll. Effective 1/1/2050. (HD1) | CPC, JHA |
| <u>HB 1326</u> <u>Status</u> | RELATING TO DOMESTIC VIOLENCE. Allows a narrow hearsay exception for statements made by domestic violence victims to certain government officials within 24 hours of an incident of domestic violence and prior to the arrest of the defendant, even if the statement is testimonial in nature, as long as the statement bears sufficient indicia of reliability. | JHA |
| <u>HB 1237</u> <u>Status</u> | RELATING TO THE JUDICIARY. Clarifies that the effective period of a temporary restraining order, protective order, or injunction for a minor may extend to a reasonable date after the minor has reached the age of eighteen. | JHA |
| <u>HB 566</u> <u>Status</u> | RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBERS. Adds coercive control between family or household members to the offense of abuse of family or household members as a petty misdemeanor. | JHA |
| <u>HB 940, HD1</u> <u>(HSCR296)</u> <u>Status</u> | RELATING TO SECURITIES. Mandates reporting of suspected financial exploitation of elders and vulnerable adults in relation to securities. Provides immunity for good faith reporting. Authorizes the delay of disbursements and transactions in situations of suspected financial exploitation. Effective 1/1/2050. (HD1) | CPC, JHA |
| <u>HB 534, HD1</u> <u>(HSCR350)</u> <u>Status</u> | RELATING TO USE OF FORCE IN SELF-PROTECTION. Clarifies when force, including deadly force, may be used to protect oneself, one's property, or another person. Effective 7/1/2050. (HD1) | PDP, JHA |
| <u>HB 490, HD1</u> <u>(HSCR450)</u> <u>Status</u> | RELATING TO CRIMES AGAINST SENIORS. Lowers the age at which enhanced penalties apply for crimes against seniors from sixty-two years of age to sixty years of age. Makes commission of certain criminal offenses against a senior's person or property applicable if the perpetrator knows or reasonably should know the senior victim's age. Effective 7/1/2060. (HD1) | HHH, JHA |
| <u>HB 1036</u> <u>Status</u> | A BILL FOR AN ACT RELATING TO PUBLIC SAFETY. Re-enacts section 353C-10, Hawaii Revised Statutes, to authorize the Department of Public Safety to maintain a list of independent civil process servers and amends several statutes to allow process servers to serve specific types of legal documents. | JHA |

HEARING_JHA_02-23-21_

HEARING_JHA_02-23-21_

HEARING_JHA_02-23-21_

DECISION MAKING TO FOLLOW

Persons wishing to offer comments should submit testimony at least **24 hours** prior to the hearing. Testimony received after this time will be stamped late and left to the discretion of the chair to consider. While every effort will be made to incorporate all testimony received, materials received on the day of the hearing or improperly identified or directed, may not be processed.

Testimony submitted will be placed on the legislative website. This public posting of testimony on the website should be considered when including personal information in your testimony.

The chair may institute a per-testifier time limit.

Committees meeting in the morning must adjourn prior to the day's Floor Session. Therefore, due to time constraints, not all testifiers may be provided an opportunity to offer verbal comments. However, remote testifiers' written submissions will be considered by the committee.

Please refrain from profanity or uncivil behavior. Violations may result in ejection from the hearing without the ability to rejoin.

The House will not be responsible for bad connections on the testifier's end.

For general help navigating the committee hearing process, please contact the Public Access Room at (808) 587-0478 or par@capitol.hawaii.gov.

The cable TV broadcast and/or live stream of this meeting will include closed captioning. If you require other auxiliary aids or services to participate in the public hearing process (i.e. interpretive services (oral or written) or ASL interpreter) or are unable to submit testimony via the website due to a disability, please contact the committee clerk at least 24 hours prior to the hearing so that arrangements can be made.

Click [here](#) for a complete list of House Guidelines for public testimony.

FOR AMENDED NOTICES: Measures that have been deleted are stricken through and measures that have been added are bolded.

For more information, please contact the Committee Clerk at 586-6680

Rep. Mark M. Nakashima
Chair

HEARING_JHA_02-23-21_
HEARING_JHA_02-23-21_
HEARING_JHA_02-23-21_