



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

H.B. NO. 888, RELATING TO COVERED OFFENDER REGISTRATION.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Tuesday, March 2, 2021 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325, Via Videoconference

TESTIFIER(S): Clare E. Connors, Attorney General, or
Amy Murakami, Deputy Attorney General

Chair Nakashima and Members of the Committee:

The Department of the Attorney General (Department) supports this bill.

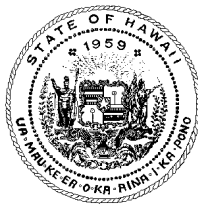
The purpose of this bill is to create a clear requirement that anyone who has been designated as a covered offender, sex offender, offender against minors, repeat covered offender, sexually violent predator, or any other sexual offender designation in another state or jurisdiction, and who, as a result of that designation was or would be subject to registration in that state, or would be if residing in that state, must register as a covered offender in the State of Hawaii. This requirement would apply to anyone who resides in or maintains a residence in Hawaii as well as anyone who remains in Hawaii for more than ten days or who remains in Hawaii for an aggregate period exceeding thirty days in one calendar year. The bill also clarifies how a person who registers under this requirement may petition to terminate registration after a minimum of ten years.

Currently, under section 846-2(b), Hawaii Revised Statutes (HRS), a person who establishes or maintains a residence in Hawaii and who has 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, must register with the Attorney General but may petition the Attorney General to terminate registration requirements if the person's out-of-state convictions upon which the sexual offender designation was established are not covered offenses under the laws of Hawaii. A person who remains in Hawaii for more than ten days or who remains

in Hawaii for an aggregate period exceeding thirty days in one calendar year is required by section 846E-2(a), HRS, to register only if the person's out-of-state convictions are covered offenses under the laws of Hawaii. In Doe v. Connors, 145 Hawaii 469, 454 P.3d 410 (2019), the Hawaii Supreme Court held that a person required to register as a sex offender in the State of Washington who was not a Hawaii resident but who intended to remain in Hawaii for more than ten days did not have to register as a sex offender while in Hawaii because his conviction of "Communication with a Minor for an Immoral Purpose" was not a covered "sexual offense," as defined by 846E-1, HRS. Specifically, the court determined that the offense of "Communication with a Minor for an Immoral Purpose" was not precisely the "solicitation of a minor . . . to engage in sexual conduct" or "criminal sexual conduct toward a minor, including but not limited to an offense set forth in section 707-759" required for the Washington offense to be considered a covered offense under Hawaii law. Id. at 417-18, 454 P.3d at 476-77.

This bill creates a clear requirement that anyone who is required to register as a covered offender or is designated a sex offender in another state, must register as a covered offender while residing or maintaining a residence in Hawaii or while in Hawaii for more than ten days or for an aggregate period exceeding thirty days in one calendar year, whether or not the conviction upon which the registration is based in the other state or jurisdiction precisely matches a Hawaii offense. The bill also clarifies how a person may seek termination of such registration. This bill is consistent with the purpose and intent of covered offender registration and is necessary for public safety because it would require all offenders to register and it would prevent non-resident, out-of-state offenders from avoiding registration requirements. It clarifies that anyone who is a registered sex offender anywhere also needs to register in Hawaii if they intend to be in the State for more than ten days.

We respectfully ask this Committee to pass this bill.



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawai'i 96814

MAX N. OTANI
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Tommy Johnson
Deputy Director
Corrections

Jordan Lowe
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON HOUSE BILL 888
RELATING TO COVERED OFFENDER REGISTRATION.**

by
Max N. Otani, Director

House Committee on Judiciary & Hawaiian Affairs
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Tuesday, March 2, 2021; 2:00 p.m.
State Capitol, Via Videoconference

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

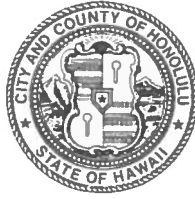
House Bill (HB) 888 seeks to repeal provisions allowing persons designated as covered offenders in another state or jurisdiction to petition the Attorney General for termination of registration requirements upon demonstration that the out of state convictions are not covered offenses in the State of Hawaii, and addresses other issues related to requirements for covered offenders to register pursuant the appropriate Hawai'i Revised Statutes (HRS).

The Department of Public Safety (PSD) fully supports this measure as its intent is to help ensure the public's safety by requiring covered offenders to register. This measure also provides an appropriate avenue of redress for covered offenders to follow by petitioning for termination of registration requirements.

Thank you for the opportunity to present this testimony in strong support of HB 888.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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DEPUTY CHIEFS

OUR REFERENCE **RP-KK**

March 2, 2021

The Honorable Mark M. Nakashima, Chair
and Members
Committee on Judiciary
and Hawaiian Affairs
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Nakashima and Members:

SUBJECT: House Bill No. 888, Relating to Covered Offender Registration

I am Randall Platt, Captain of District 4 (Kaneohe/Kailua/Kahuku) of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 888, Relating to Covered Offender Registration.

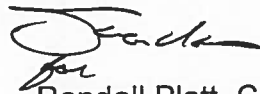
The HPD recognizes that the wording of criminal statutes are different in each state and a very similar offense in another state may not exactly match the wording of Hawaii's Penal Code. This should not excuse a person for having to register as a sexual or other covered offender in Hawaii if the person was required to register in the person's original state. Those offenders should be subject to Hawaii Revised Statutes, Section 846E-2 (b), Registration requirements. This will act as a deterrent to those seeking to escape a sexual offender designation by moving to Hawaii.

The Honorable Mark M. Nakashima, Chair
and Members
March 2, 2021
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The HPD urges you to support House Bill No. 888, Relating to Covered Offender
Registration.

Thank you for the opportunity to testify.

Sincerely,



Randall Platt, Captain
District 4

APPROVED:



Susan Ballard
Chief of Police