

STAND. COM. REP. NO. 3017

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 2089
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2089, S.D. 1, entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I, SECTION 25, OF THE HAWAII CONSTITUTION REGARDING CRIMES AGAINST MINORS,"

begs leave to report as follows:

The purpose and intent of this measure is to propose an amendment to article I, section 25, of the Constitution of the State of Hawaii to expand the Legislature's present power to define the elements and jury unanimity requirements of the crime of continuous sexual assault of a minor, to include minors who are younger than sixteen years of age, rather than only those who are younger than fourteen years of age.

Your Committee received written comments in support of this measure from the Department of the Attorney General and the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee received written comments in opposition to this measure from one individual.

Your Committee finds that the measure's proposed constitutional amendment to expand the Legislature's present power to define the elements and jury unanimity requirements in



continuous sexual assault crimes against minors by enlarging the age range of the minor victims to include minors younger than sixteen years of age, instead of only those minors younger than fourteen years of age, would allow for the protection of a greater number of minor children and greater accountability for perpetrators of continuous sexual assault against minors.

Your Committee has amended this measure by:

- (1) Clarifying that the scope of the proposed constitutional amendment is to raise the upper limit of the requisite age of the victim in continuous sexual assault crimes against minors, for which the Legislature presently has the power to define with respect to the elements of the crime and the jury unanimity required, rather than to grant a wholly new power to the Legislature to define the elements and jury unanimity requirements in continuous sexual assault crimes against minors, and clarifying the ballot question accordingly; and
- (2) Making technical nonsubstantive amendments for purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2089, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2089, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DONOVAN M. DELA CRUZ, Chair



