

STAND. COM. REP. NO.

1395

Honolulu, Hawaii

MAR 24 2023

RE: H.B. No. 350
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred H.B. No. 350, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CHILD ABUSE REPORTING,"

begs leave to report as follows:

The purpose and intent of this measure is to establish that the exemption from mandatory reporting by members of the clergy does not apply when the clergy member believes that there exists a substantial risk that child abuse or neglect that is especially heinous, atrocious, or cruel, manifesting exceptional depravity, may occur in the reasonably foreseeable future.

Your Committee received testimony in support of this measure from the Department of Human Services; Stonewall Caucus of the Democratic Party of Hawai'i; Rainbow Family 808.com, Inc.; and three individuals.

Your Committee finds that existing law exempts clergy from the mandate to report child abuse or neglect, or the potential for child abuse or neglect, when the information regarding the abuse or neglect is obtained solely through penitential communication. However, given the history of clergy abuse, particularly of children, in the State and around the world, the exemption from mandatory reporting by clergy requires limitations to ensure that child abuse, by clergy or another party, is properly addressed.

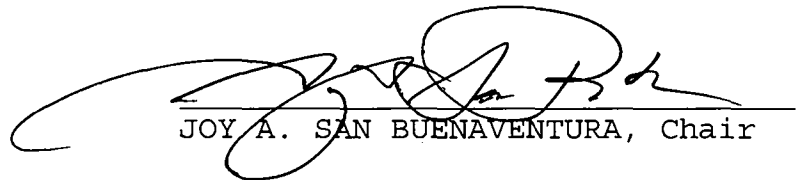


Therefore, to support the safety and well-being of children in the State, this measure limits the scope of the mandatory reporting exemption by clergy to require clergy to report certain abuse, even when received in penitential communications.

Your Committee has amended this 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 Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 350, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 350, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

| | | |
|--|--|-------------------------|
| Bill / Resolution No.:* HB 350 HD2 | Committee Referral: HHS, JDL | Date: 3/22/23 |
|--|--|-------------------------|

The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:
 Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

| Members | Aye | Aye (WR) | Nay | Excused |
|------------------------------|----------|----------|----------|---------|
| SAN BUENAVENTURA, Joy A. (C) | ✓ | | | |
| AQUINO, Henry J.C. (VC) | ✓ | | | |
| MORIWAKI, Sharon Y. | ✓ | | | |
| SHIMABUKURO, Maile S.L. | ✓ | | | |
| AWA, Brenton | | | ✓ | |
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| TOTAL | 4 | | 1 | |

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:

Distribution:
Original Yellow Pink Goldenrod
File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes