

JAN 23 2025

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# A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX  
OFFENDERS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that a recent Civil Beat  
2 article highlighted the inability of state licensing boards and  
3 agencies to promptly revoke the professional licenses of  
4 registered sex offenders. The legislature believes that timely  
5 action in cases where certain professional license holders are  
6 registered sex offenders is a vital aspect of consumer  
7 protection. Delayed action in revoking a license and preventing  
8 further practice by a registered sex offender places consumers  
9 at unnecessary risk.

10       Accordingly, the purposes of this Act are to:

11       (1) Authorize the board of acupuncture, athletic trainer  
12           program, board of barbering and cosmetology, state  
13           board of chiropractic, board of dental examiners,  
14           electrologist program, hearing aid dealer and fitter  
15           program, marriage and family therapist licensing  
16           program, state board of massage therapy, Hawaii  
17           medical board, mental health counselors licensing

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program, state board of naturopathic medicine, state board of nursing, nurse aide program, nursing home administrator program, occupational therapy program, midwives licensing program, dispensing opticians program, board of examiners in optometry, board of pharmacy, board of physical therapy, board of psychology, behavior analyst program, respiratory therapist program, social worker licensing program, and state board of speech pathology and audiology to automatically revoke and deny the renewal, restoration, or reinstatement of a license to a licensee who is a registered sex offender;

(2) Establish conditions for the disciplinary action; and

(3) Ensure consumer protection by requiring any final order of discipline taken to be public record.

SECTION 2. Chapter 436E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§436E-        Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction as a registered sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a

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1 license or deny an application to renew, restore, or reinstate a  
2 license under either of the following circumstances:

3       (1) The licensee has been convicted in any court in or  
4       outside of this State of any offense that, if  
5       committed or attempted in this State, based on the  
6       elements of the convicted offense, would have been  
7       punishable as one or more of the offenses described in  
8       chapter 846E; or

9       (2) The licensee has been required to register as a sex  
10       offender pursuant to the requirements of chapter 846E,  
11       regardless of whether the related conviction has been  
12       appealed.

13       (b) The board shall notify the licensee of the license  
14       revocation or denial of application to renew, restore, or  
15       reinstate the license and of the right to elect to have a  
16       hearing as provided in subsection (c).

17       (c) Upon revocation of the license or denial of an  
18       application to renew, restore, or reinstate, the licensee may  
19       file a written request for a hearing with the licensing  
20       authority within ten days of the notice. The hearing shall be  
21       held within thirty days of the revocation or denial. The  
22       proceeding shall be conducted in accordance with chapter 91.

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1        (d) For the purposes of enforcement of this section, a  
2        plea or verdict of guilty, or a conviction after a plea of nolo  
3        contendere, shall be deemed a conviction. The record of  
4        conviction shall be conclusive evidence of the fact that the  
5        conviction occurred.

6        (e) If the related conviction of the license holder is  
7        overturned upon appeal, the revocation or denial ordered  
8        pursuant to this section shall automatically cease. Nothing in  
9        this subsection shall prohibit the board from pursuing  
10       disciplinary action based on any cause other than the overturned  
11       conviction.

12       (f) Any final order of discipline taken pursuant to this  
13       section shall be a matter of public record.

14       (g) The board shall not restore, renew, or otherwise  
15       reinstate the license of a person under any of the following  
16       circumstances:

17       (1) The person has been required to register as a sex  
18       offender pursuant to the requirements of chapter 846E,  
19       regardless of whether the conviction has been  
20       appealed; and

21       (2) The person engaged in the offense with a patient or  
22       client, or with a former patient or client if the

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1           relationship was terminated primarily for the purpose  
2           of committing the offense."

3           SECTION 3. Chapter 436H, Hawaii Revised Statutes, is  
4 amended by adding a new section to be appropriately designated  
5 and to read as follows:

6           "§436H-       Revocation of license or denial of application  
7 to renew, restore, or reinstate a license based on conviction as  
8 a registered sex offender; conditions.   (a) Notwithstanding any  
9 law to the contrary, the director shall automatically revoke a  
10 license or deny an application to renew, restore, or reinstate a  
11 license under either of the following circumstances:

12           (1) The licensee has been convicted in any court in or  
13 outside of this State of any offense that, if  
14 committed or attempted in this State, based on the  
15 elements of the convicted offense, would have been  
16 punishable as one or more of the offenses described in  
17 chapter 846E; or

18           (2) The licensee has been required to register as a sex  
19 offender pursuant to the provisions of chapter 846E,  
20 regardless of whether the related conviction has been  
21 appealed.

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1        (b) The director shall notify the licensee of the license  
2 revocation or denial of application to renew, restore, or  
3 reinstate the license and of the right to elect to have a  
4 hearing as provided in subsection (c).

5        (c) Upon revocation of the license or denial of an  
6 application to renew, restore, or reinstate, the licensee may  
7 file a written request for a hearing with the licensing  
8 authority within ten days of the notice. The hearing shall be  
9 held within thirty days of the revocation or denial. The  
10 proceeding shall be conducted in accordance with chapter 91.

11       (d) For the purposes of enforcement of this section, a  
12 plea or verdict of guilty, or a conviction after a plea of nolo  
13 contendere, shall be deemed a conviction. The record of  
14 conviction shall be conclusive evidence of the fact that the  
15 conviction occurred.

16       (e) If the related conviction of the license holder is  
17 overturned upon appeal, the revocation or denial ordered  
18 pursuant to this section shall automatically cease. Nothing in  
19 this subsection shall prohibit the program from pursuing  
20 disciplinary action based on any cause other than the overturned  
21 conviction.

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1        (f) Any final order of discipline taken pursuant to this  
2 section shall be a matter of public record.

3        (g) The director shall not restore, renew, or otherwise  
4 reinstate the license of a person under any of the following  
5 circumstances:

6        (1) The person has been required to register as a sex  
7 offender pursuant to the requirements of chapter 846E,  
8 regardless of whether the conviction has been  
9 appealed; and

10       (2) The person engaged in the offense with a patient or  
11 client, or with a former patient or client if the  
12 relationship was terminated primarily for the purpose  
13 of committing the offense."

14       SECTION 4. Chapter 439A, Hawaii Revised Statutes, is  
15 amended by adding a new section to be appropriately designated  
16 and to read as follows:

17       "§439A-        Revocation of license or denial of application  
18 to renew, restore, or reinstate a license based on conviction as  
19 a registered sex offender; conditions. (a) Notwithstanding any  
20 law to the contrary, the board shall automatically revoke a  
21 license or deny an application to renew, restore, or reinstate a  
22 license under either of the following circumstances:

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1        (1) The licensee has been convicted in any court in or  
2        outside of this State of any offense that, if  
3        committed or attempted in this State, based on the  
4        elements of the convicted offense, would have been  
5        punishable as one or more of the offenses described in  
6        chapter 846E; or

7        (2) The licensee has been required to register as a sex  
8        offender pursuant to the requirements of chapter 846E,  
9        regardless of whether the related conviction has been  
10       appealed.

11       (b) The board shall notify the licensee of the license  
12       revocation or denial of application to renew, restore, or  
13       reinstate the license and of the right to elect to have a  
14       hearing as provided in subsection (c).

15       (c) Upon revocation of the license or denial of an  
16       application to renew, restore, or reinstate, the licensee may  
17       file a written request for a hearing with the licensing  
18       authority within ten days of the notice. The hearing shall be  
19       held within thirty days of the revocation or denial. The  
20       proceeding shall be conducted in accordance with chapter 91.

21       (d) For the purposes of enforcement of this section, a  
22       plea or verdict of guilty, or a conviction after a plea of nolo



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1 contendere, shall be deemed a conviction. The record of  
2 conviction shall be conclusive evidence of the fact that the  
3 conviction occurred.

4 (e) If the related conviction of the license holder is  
5 overturned upon appeal, the revocation or denial ordered  
6 pursuant to this section shall automatically cease. Nothing in  
7 this subsection shall prohibit the board from pursuing  
8 disciplinary action based on any cause other than the overturned  
9 conviction.

10 (f) Any final order of discipline taken pursuant to this  
11 section shall be a matter of public record.

12 (g) The board shall not restore, renew, or otherwise  
13 reinstate the license of a person under any of the following  
14 circumstances:

15 (1) The person has been required to register as a sex  
16 offender pursuant to the requirements of chapter 846E,  
17 regardless of whether the conviction has been  
18 appealed; and

19 (2) The person engaged in the offense with a patient or  
20 client, or with a former patient or client if the  
21 relationship was terminated primarily for the purpose  
22 of committing the offense."

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SECTION 5. Chapter 442, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§442- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction as a registered sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to the requirements of chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 file a written request for a hearing with the licensing  
6 authority within ten days of the notice. The hearing shall be  
7 held within thirty days of the revocation or denial. The  
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a  
10 plea or verdict of guilty, or a conviction after a plea of nolo  
11 contendere, shall be deemed a conviction. The record of  
12 conviction shall be conclusive evidence of the fact that the  
13 conviction occurred.

14 (e) If the related conviction of the license holder is  
15 overturned upon appeal, the revocation or denial ordered  
16 pursuant to this section shall automatically cease. Nothing in  
17 this subsection shall prohibit the board from pursuing  
18 disciplinary action based on any cause other than the overturned  
19 conviction.

20 (f) Any final order of discipline taken pursuant to this  
21 section shall be a matter of public record.

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(g) The board shall not restore, renew, or otherwise  
reinstate the license of a person under any of the following  
circumstances:

(1) The person has been required to register as a sex  
offender pursuant to the requirements of chapter 846E,  
regardless of whether the conviction has been  
appealed; and

(2) The person engaged in the offense with a patient or  
client, or with a former patient or client if the  
relationship was terminated primarily for the purpose  
of committing the offense."

SECTION 6. Chapter 447, Hawaii Revised Statutes, is  
amended by adding a new section to be appropriately designated  
and to read as follows:

"§447- Revocation of license or denial of application  
to renew, restore, or reinstate a license based on conviction as  
a registered sex offender; conditions. (a) Notwithstanding any  
law to the contrary, the board shall automatically revoke a  
license or deny an application to renew, restore, or reinstate a  
license under either of the following circumstances:

(1) The licensee has been convicted in any court in or  
outside of this State of any offense that, if

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1       committed or attempted in this State, based on the  
2       elements of the convicted offense, would have been  
3       punishable as one or more of the offenses described in  
4       chapter 846E; or

5       (2) The licensee has been required to register as a sex  
6       offender pursuant to the requirements of chapter 846E,  
7       regardless of whether the related conviction has been  
8       appealed.

9       (b) The board shall notify the licensee of the license  
10      revocation or denial of application to renew, restore, or  
11      reinstate the license and of the right to elect to have a  
12      hearing as provided in subsection (c).

13      (c) Upon revocation of the license or denial of an  
14      application to renew, restore, or reinstate, the licensee may  
15      file a written request for a hearing with the licensing  
16      authority within ten days of the notice. The hearing shall be  
17      held within thirty days of the revocation or denial. The  
18      proceeding shall be conducted in accordance with chapter 91.

19      (d) For the purposes of enforcement of this section, a  
20      plea or verdict of guilty, or a conviction after a plea of nolo  
21      contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the  
2 conviction occurred.

3 (e) If the related conviction of the license holder is  
4 overturned upon appeal, the revocation or denial ordered  
5 pursuant to this section shall automatically cease. Nothing in  
6 this subsection shall prohibit the board from pursuing  
7 disciplinary action based on any cause other than the overturned  
8 conviction.

9 (f) Any final order of discipline taken pursuant to this  
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise  
12 reinstate the license of a person under any of the following  
13 circumstances:

14 (1) The person has been required to register as a sex  
15 offender pursuant to the requirements of chapter 846E,  
16 regardless of whether the conviction has been  
17 appealed; and

18 (2) The person engaged in the offense with a patient or  
19 client, or with a former patient or client if the  
20 relationship was terminated primarily for the purpose  
21 of committing the offense."

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SECTION 7. Chapter 448, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§448- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction as a registered sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to the requirements of chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 file a written request for a hearing with the licensing  
6 authority within ten days of the notice. The hearing shall be  
7 held within thirty days of the revocation or denial. The  
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a  
10 plea or verdict of guilty, or a conviction after a plea of nolo  
11 contendere, shall be deemed a conviction. The record of  
12 conviction shall be conclusive evidence of the fact that the  
13 conviction occurred.

14 (e) If the related conviction of the license holder is  
15 overturned upon appeal, the revocation or denial ordered  
16 pursuant to this section shall automatically cease. Nothing in  
17 this subsection shall prohibit the board from pursuing  
18 disciplinary action based on any cause other than the overturned  
19 conviction.

20 (f) Any final order of discipline taken pursuant to this  
21 section shall be a matter of public record.



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(g) The board shall not restore, renew, or otherwise  
reinstate the license of a person under any of the following  
circumstances:

(1) The person has been required to register as a sex  
offender pursuant to the requirements of chapter 846E,  
regardless of whether the conviction has been  
appealed; and

(2) The person engaged in the offense with a patient or  
client, or with a former patient or client if the  
relationship was terminated primarily for the purpose  
of committing the offense."

SECTION 8. Chapter 448F, Hawaii Revised Statutes, is  
amended by adding a new section to be appropriately designated  
and to read as follows:

"§448F- Revocation of license or denial of application  
to renew, restore, or reinstate a license based on conviction as  
a registered sex offender; conditions. (a) Notwithstanding any  
law to the contrary, the director shall automatically revoke a  
license or deny an application to renew, restore, or reinstate a  
license under either of the following circumstances:

(1) The licensee has been convicted in any court in or  
outside of this State of any offense that, if

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1       committed or attempted in this State, based on the  
2       elements of the convicted offense, would have been  
3       punishable as one or more of the offenses described in  
4       chapter 846E; or

5       (2) The licensee has been required to register as a sex  
6       offender pursuant to the provisions of chapter 846E,  
7       regardless of whether the related conviction has been  
8       appealed.

9       (b) The director shall notify the licensee of the license  
10      revocation or denial of application to renew, restore, or  
11      reinstate the license and of the right to elect to have a  
12      hearing as provided in subsection (c).

13      (c) Upon revocation of the license or denial of an  
14      application to renew, restore, or reinstate, the licensee may  
15      file a written request for a hearing with the licensing  
16      authority within ten days of the notice. The hearing shall be  
17      held within thirty days of the revocation or denial. The  
18      proceeding shall be conducted in accordance with chapter 91.

19      (d) For the purposes of enforcement of this section, a  
20      plea or verdict of guilty, or a conviction after a plea of nolo  
21      contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the  
2 conviction occurred.

3 (e) If the related conviction of the license holder is  
4 overturned upon appeal, the revocation or denial ordered  
5 pursuant to this section shall automatically cease. Nothing in  
6 this subsection shall prohibit the program from pursuing  
7 disciplinary action based on any cause other than the overturned  
8 conviction.

9 (f) Any final order of discipline taken pursuant to this  
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise  
12 reinstate the license of a person under any of the following  
13 circumstances:

14 (1) The person has been required to register as a sex  
15 offender pursuant to the requirements of chapter 846E,  
16 regardless of whether the conviction has been  
17 appealed; and

18 (2) The person engaged in the offense with a patient or  
19 client, or with a former patient or client if the  
20 relationship was terminated primarily for the purpose  
21 of committing the offense."

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SECTION 9. Chapter 451A, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§451A- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction as a registered sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to the provisions of chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 file a written request for a hearing with the licensing  
6 authority within ten days of the notice. The hearing shall be  
7 held within thirty days of the revocation or denial. The  
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a  
10 plea or verdict of guilty, or a conviction after a plea of nolo  
11 contendere, shall be deemed a conviction. The record of  
12 conviction shall be conclusive evidence of the fact that the  
13 conviction occurred.

14 (e) If the related conviction of the license holder is  
15 overturned upon appeal, the revocation or denial ordered  
16 pursuant to this section shall automatically cease. Nothing in  
17 this subsection shall prohibit the program from pursuing  
18 disciplinary action based on any cause other than the overturned  
19 conviction.

20 (f) Any final order of discipline taken pursuant to this  
21 section shall be a matter of public record.

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1        (g) The director shall not restore, renew, or otherwise  
2 reinstate the license of a person under any of the following  
3 circumstances:

4        (1) The person has been required to register as a sex  
5 offender pursuant to the requirements of chapter 846E,  
6 regardless of whether the conviction has been  
7 appealed; and

8        (2) The person engaged in the offense with a patient or  
9 client, or with a former patient or client if the  
10 relationship was terminated primarily for the purpose  
11 of committing the offense."

12        SECTION 10. Chapter 451J, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15        "§451J-        Revocation of license or denial of application  
16 to renew, restore, or reinstate a license based on conviction as  
17 a registered sex offender; conditions. (a) Notwithstanding any  
18 law to the contrary, the director shall automatically revoke a  
19 license or deny an application to renew, restore, or reinstate a  
20 license under either of the following circumstances:

21        (1) The licensee has been convicted in any court in or  
22 outside of this State of any offense that, if

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1       committed or attempted in this State, based on the  
2       elements of the convicted offense, would have been  
3       punishable as one or more of the offenses described in  
4       chapter 846E; or

5       (2) The licensee has been required to register as a sex  
6       offender pursuant to the provisions of chapter 846E,  
7       regardless of whether the related conviction has been  
8       appealed.

9       (b) The director shall notify the licensee of the license  
10      revocation or denial of application to renew, restore, or  
11      reinstate the license and of the right to elect to have a  
12      hearing as provided in subsection (c).

13      (c) Upon revocation of the license or denial of an  
14      application to renew, restore, or reinstate, the licensee may  
15      file a written request for a hearing with the licensing  
16      authority within ten days of the notice. The hearing shall be  
17      held within thirty days of the revocation or denial. The  
18      proceeding shall be conducted in accordance with chapter 91.

19      (d) For the purposes of enforcement of this section, a  
20      plea or verdict of guilty, or a conviction after a plea of nolo  
21      contendere, shall be deemed a conviction. The record of

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conviction shall be conclusive evidence of the fact that the  
conviction occurred.

(e) If the related conviction of the license holder is  
overturned upon appeal, the revocation or denial ordered  
pursuant to this section shall automatically cease. Nothing in  
this subsection shall prohibit the program from pursuing  
disciplinary action based on any cause other than the overturned  
conviction.

(f) Any final order of discipline taken pursuant to this  
section shall be a matter of public record.

(g) The director shall not restore, renew, or otherwise  
reinstate the license of a person under any of the following  
circumstances:

(1) The person has been required to register as a sex  
offender pursuant to the requirements of chapter 846E,  
regardless of whether the conviction has been  
appealed; and

(2) The person engaged in the offense with a patient or  
client, or with a former patient or client if the  
relationship was terminated primarily for the purpose  
of committing the offense."



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SECTION 11. Chapter 452, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§452- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction as a registered sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to the requirements of chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 file a written request for a hearing with the licensing  
6 authority within ten days of the notice. The hearing shall be  
7 held within thirty days of the revocation or denial. The  
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a  
10 plea or verdict of guilty, or a conviction after a plea of nolo  
11 contendere, shall be deemed a conviction. The record of  
12 conviction shall be conclusive evidence of the fact that the  
13 conviction occurred.

14 (e) If the related conviction of the license holder is  
15 overturned upon appeal, the revocation or denial ordered  
16 pursuant to this section shall automatically cease. Nothing in  
17 this subsection shall prohibit the board from pursuing  
18 disciplinary action based on any cause other than the overturned  
19 conviction.

20 (f) Any final order of discipline taken pursuant to this  
21 section shall be a matter of public record.

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(g) The board shall not restore, renew, or otherwise  
reinstate the license of a person under any of the following  
circumstances:

(1) The person has been required to register as a sex  
offender pursuant to the requirements of chapter 846E,  
regardless of whether the conviction has been  
appealed; and

(2) The person engaged in the offense with a patient or  
client, or with a former patient or client if the  
relationship was terminated primarily for the purpose  
of committing the offense."

SECTION 12. Chapter 453, Hawaii Revised Statutes, is  
amended by adding a new section to be appropriately designated  
and to read as follows:

"§453- Revocation of license or denial of application  
to renew, restore, or reinstate a license based on conviction as  
a registered sex offender; conditions. (a) Notwithstanding any  
law to the contrary, the board shall automatically revoke a  
license or deny an application to renew, restore, or reinstate a  
license under either of the following circumstances:

(1) The licensee has been convicted in any court in or  
outside of this State of any offense that, if

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1       committed or attempted in this State, based on the  
2       elements of the convicted offense, would have been  
3       punishable as one or more of the offenses described in  
4       chapter 846E; or

5       (2) The licensee has been required to register as a sex  
6       offender pursuant to the requirements of chapter 846E,  
7       regardless of whether the related conviction has been  
8       appealed.

9       (b) The board shall notify the licensee of the license  
10      revocation or denial of application to renew, restore, or  
11      reinstate the license and of the right to elect to have a  
12      hearing as provided in subsection (c).

13      (c) Upon revocation of the license or denial of an  
14      application to renew, restore, or reinstate, the licensee may  
15      file a written request for a hearing with the licensing  
16      authority within ten days of the notice. The hearing shall be  
17      held within thirty days of the revocation or denial. The  
18      proceeding shall be conducted in accordance with chapter 91.

19      (d) For the purposes of enforcement of this section, a  
20      plea or verdict of guilty, or a conviction after a plea of nolo  
21      contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the  
2 conviction occurred.

3 (e) If the related conviction of the license holder is  
4 overturned upon appeal, the revocation or denial ordered  
5 pursuant to this section shall automatically cease. Nothing in  
6 this subsection shall prohibit the board from pursuing  
7 disciplinary action based on any cause other than the overturned  
8 conviction.

9 (f) Any final order of discipline taken pursuant to this  
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise  
12 reinstate the license of a person under any of the following  
13 circumstances:

14 (1) The person has been required to register as a sex  
15 offender pursuant to the requirements of chapter 846E,  
16 regardless of whether the conviction has been  
17 appealed; and

18 (2) The person engaged in the offense with a patient or  
19 client, or with a former patient or client if the  
20 relationship was terminated primarily for the purpose  
21 of committing the offense."

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SECTION 13. Chapter 453D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§453D- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction as a registered sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to the provisions of chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 file a written request for a hearing with the licensing  
6 authority within ten days of the notice. The hearing shall be  
7 held within thirty days of the revocation or denial. The  
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a  
10 plea or verdict of guilty, or a conviction after a plea of nolo  
11 contendere, shall be deemed a conviction. The record of  
12 conviction shall be conclusive evidence of the fact that the  
13 conviction occurred.

14 (e) If the related conviction of the license holder is  
15 overturned upon appeal, the revocation or denial ordered  
16 pursuant to this section shall automatically cease. Nothing in  
17 this subsection shall prohibit the program from pursuing  
18 disciplinary action based on any cause other than the overturned  
19 conviction.

20 (f) Any final order of discipline taken pursuant to this  
21 section shall be a matter of public record.

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(g) The director shall not restore, renew, or otherwise  
reinstate the license of a person under any of the following  
circumstances:

(1) The person has been required to register as a sex  
offender pursuant to the requirements of chapter 846E,  
regardless of whether the conviction has been  
appealed; and

(2) The person engaged in the offense with a patient or  
client, or with a former patient or client if the  
relationship was terminated primarily for the purpose  
of committing the offense."

SECTION 14. Chapter 455, Hawaii Revised Statutes, is  
amended by adding a new section to be appropriately designated  
and to read as follows:

**"§455- Revocation of license or denial of application  
to renew, restore, or reinstate a license based on conviction as  
a registered sex offender; conditions. (a) Notwithstanding any  
law to the contrary, the board shall automatically revoke a  
license or deny an application to renew, restore, or reinstate a  
license under either of the following circumstances:**

(1) The licensee has been convicted in any court in or  
outside of this State of any offense that, if



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1       committed or attempted in this State, based on the  
2       elements of the convicted offense, would have been  
3       punishable as one or more of the offenses described in  
4       chapter 846E; or

5       (2) The licensee has been required to register as a sex  
6       offender pursuant to the requirements of chapter 846E,  
7       regardless of whether the related conviction has been  
8       appealed.

9       (b) The board shall notify the licensee of the license  
10      revocation or denial of application to renew, restore, or  
11      reinstate the license and of the right to elect to have a  
12      hearing as provided in subsection (c).

13      (c) Upon revocation of the license or denial of an  
14      application to renew, restore, or reinstate, the licensee may  
15      file a written request for a hearing with the licensing  
16      authority within ten days of the notice. The hearing shall be  
17      held within thirty days of the revocation or denial. The  
18      proceeding shall be conducted in accordance with chapter 91.

19      (d) For the purposes of enforcement of this section, a  
20      plea or verdict of guilty, or a conviction after a plea of nolo  
21      contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the  
2 conviction occurred.

3 (e) If the related conviction of the license holder is  
4 overturned upon appeal, the revocation or denial ordered  
5 pursuant to this section shall automatically cease. Nothing in  
6 this subsection shall prohibit the board from pursuing  
7 disciplinary action based on any cause other than the overturned  
8 conviction.

9 (f) Any final order of discipline taken pursuant to this  
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise  
12 reinstate the license of a person under any of the following  
13 circumstances:

14 (1) The person has been required to register as a sex  
15 offender pursuant to the requirements of chapter 846E,  
16 regardless of whether the conviction has been  
17 appealed; and

18 (2) The person engaged in the offense with a patient or  
19 client, or with a former patient or client if the  
20 relationship was terminated primarily for the purpose  
21 of committing the offense."

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SECTION 15. Chapter 457, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§457- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction as a registered sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to the requirements of chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 file a written request for a hearing with the licensing  
6 authority within ten days of the notice. The hearing shall be  
7 held within thirty days of the revocation or denial. The  
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a  
10 plea or verdict of guilty, or a conviction after a plea of nolo  
11 contendere, shall be deemed a conviction. The record of  
12 conviction shall be conclusive evidence of the fact that the  
13 conviction occurred.

14 (e) If the related conviction of the license holder is  
15 overturned upon appeal, the revocation or denial ordered  
16 pursuant to this section shall automatically cease. Nothing in  
17 this subsection shall prohibit the board from pursuing  
18 disciplinary action based on any cause other than the overturned  
19 conviction.

20 (f) Any final order of discipline taken pursuant to this  
21 section shall be a matter of public record.

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1        (g) The board shall not restore, renew, or otherwise  
2 reinstate the license of a person under any of the following  
3 circumstances:

4        (1) The person has been required to register as a sex  
5 offender pursuant to the requirements of chapter 846E,  
6 regardless of whether the conviction has been  
7 appealed; and

8        (2) The person engaged in the offense with a patient or  
9 client, or with a former patient or client if the  
10 relationship was terminated primarily for the purpose  
11 of committing the offense."

12        SECTION 16. Chapter 457A, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15        "§457A-        Revocation of license or denial of application  
16 to renew, restore, or reinstate a license based on conviction as  
17 a registered sex offender; conditions. (a) Notwithstanding any  
18 law to the contrary, the director shall automatically revoke a  
19 license or deny an application to renew, restore, or reinstate a  
20 license under either of the following circumstances:

21        (1) The licensee has been convicted in any court in or  
22 outside of this State of any offense that, if

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1           committed or attempted in this State, based on the  
2           elements of the convicted offense, would have been  
3           punishable as one or more of the offenses described in  
4           chapter 846E; or

5           (2) The licensee has been required to register as a sex  
6           offender pursuant to the provisions of chapter 846E,  
7           regardless of whether the related conviction has been  
8           appealed.

9           (b) The director shall notify the licensee of the license  
10          revocation or denial of application to renew, restore, or  
11          reinstate the license and of the right to elect to have a  
12          hearing as provided in subsection (c).

13          (c) Upon revocation of the license or denial of an  
14          application to renew, restore, or reinstate, the licensee may  
15          file a written request for a hearing with the licensing  
16          authority within ten days of the notice. The hearing shall be  
17          held within thirty days of the revocation or denial. The  
18          proceeding shall be conducted in accordance with chapter 91.

19          (d) For the purposes of enforcement of this section, a  
20          plea or verdict of guilty, or a conviction after a plea of nolo  
21          contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the  
2 conviction occurred.

3 (e) If the related conviction of the license holder is  
4 overturned upon appeal, the revocation or denial ordered  
5 pursuant to this section shall automatically cease. Nothing in  
6 this subsection shall prohibit the program from pursuing  
7 disciplinary action based on any cause other than the overturned  
8 conviction.

9 (f) Any final order of discipline taken pursuant to this  
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise  
12 reinstate the license of a person under any of the following  
13 circumstances:

14 (1) The person has been required to register as a sex  
15 offender pursuant to the requirements of chapter 846E,  
16 regardless of whether the conviction has been  
17 appealed; and

18 (2) The person engaged in the offense with a patient or  
19 client, or with a former patient or client if the  
20 relationship was terminated primarily for the purpose  
21 of committing the offense."

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SECTION 17. Chapter 457B, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§457B- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction as a registered sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to the provisions of chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or



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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 file a written request for a hearing with the licensing  
6 authority within ten days of the notice. The hearing shall be  
7 held within thirty days of the revocation or denial. The  
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a  
10 plea or verdict of guilty, or a conviction after a plea of nolo  
11 contendere, shall be deemed a conviction. The record of  
12 conviction shall be conclusive evidence of the fact that the  
13 conviction occurred.

14 (e) If the related conviction of the license holder is  
15 overturned upon appeal, the revocation or denial ordered  
16 pursuant to this section shall automatically cease. Nothing in  
17 this subsection shall prohibit the program from pursuing  
18 disciplinary action based on any cause other than the overturned  
19 conviction.

20 (f) Any final order of discipline taken pursuant to this  
21 section shall be a matter of public record.

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(g) The director shall not restore, renew, or otherwise  
reinstate the license of a person under any of the following  
circumstances:

(1) The person has been required to register as a sex  
offender pursuant to the requirements of chapter 846E,  
regardless of whether the conviction has been  
appealed; and

(2) The person engaged in the offense with a patient or  
client, or with a former patient or client if the  
relationship was terminated primarily for the purpose  
of committing the offense."

SECTION 18. Chapter 457G, Hawaii Revised Statutes, is  
amended by adding a new section to be appropriately designated  
and to read as follows:

"§457G- Revocation of license or denial of application  
to renew, restore, or reinstate a license based on conviction as  
a registered sex offender; conditions. (a) Notwithstanding any  
law to the contrary, the director shall automatically revoke a  
license or deny an application to renew, restore, or reinstate a  
license under either of the following circumstances:

(1) The licensee has been convicted in any court in or  
outside of this State of any offense that, if

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1           committed or attempted in this State, based on the  
2           elements of the convicted offense, would have been  
3           punishable as one or more of the offenses described in  
4           chapter 846E; or

5       (2)   The licensee has been required to register as a sex  
6           offender pursuant to the provisions of chapter 846E,  
7           regardless of whether the related conviction has been  
8           appealed.

9       (b)   The director shall notify the licensee of the license  
10       revocation or denial of application to renew, restore, or  
11       reinstate the license and of the right to elect to have a  
12       hearing as provided in subsection (c).

13       (c)   Upon revocation of the license or denial of an  
14       application to renew, restore, or reinstate, the licensee may  
15       file a written request for a hearing with the licensing  
16       authority within ten days of the notice. The hearing shall be  
17       held within thirty days of the revocation or denial. The  
18       proceeding shall be conducted in accordance with chapter 91.

19       (d)   For the purposes of enforcement of this section, a  
20       plea or verdict of guilty, or a conviction after a plea of nolo  
21       contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the  
2 conviction occurred.

3 (e) If the related conviction of the license holder is  
4 overturned upon appeal, the revocation or denial ordered  
5 pursuant to this section shall automatically cease. Nothing in  
6 this subsection shall prohibit the program from pursuing  
7 disciplinary action based on any cause other than the overturned  
8 conviction.

9 (f) Any final order of discipline taken pursuant to this  
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise  
12 reinstate the license of a person under any of the following  
13 circumstances:

14 (1) The person has been required to register as a sex  
15 offender pursuant to the requirements of chapter 846E,  
16 regardless of whether the conviction has been  
17 appealed; and

18 (2) The person engaged in the offense with a patient or  
19 client, or with a former patient or client if the  
20 relationship was terminated primarily for the purpose  
21 of committing the offense."

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SECTION 19. Chapter 457J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§457J- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction as a registered sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to the provisions of chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 file a written request for a hearing with the licensing  
6 authority within ten days of the notice. The hearing shall be  
7 held within thirty days of the revocation or denial. The  
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a  
10 plea or verdict of guilty, or a conviction after a plea of nolo  
11 contendere, shall be deemed a conviction. The record of  
12 conviction shall be conclusive evidence of the fact that the  
13 conviction occurred.

14 (e) If the related conviction of the license holder is  
15 overturned upon appeal, the revocation or denial ordered  
16 pursuant to this section shall automatically cease. Nothing in  
17 this subsection shall prohibit the program from pursuing  
18 disciplinary action based on any cause other than the overturned  
19 conviction.

20 (f) Any final order of discipline taken pursuant to this  
21 section shall be a matter of public record.

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1        (g) The director shall not restore, renew, or otherwise  
2 reinstate the license of a person under any of the following  
3 circumstances:

4        (1) The person has been required to register as a sex  
5 offender pursuant to the requirements of chapter 846E,  
6 regardless of whether the conviction has been  
7 appealed; and

8        (2) The person engaged in the offense with a patient or  
9 client, or with a former patient or client if the  
10 relationship was terminated primarily for the purpose  
11 of committing the offense."

12        SECTION 20. Chapter 458, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15        "§458-        Revocation of license or denial of application  
16 to renew, restore, or reinstate a license based on conviction as  
17 a registered sex offender; conditions. (a) Notwithstanding any  
18 law to the contrary, the director shall automatically revoke a  
19 license or deny an application to renew, restore, or reinstate a  
20 license under either of the following circumstances:

21        (1) The licensee has been convicted in any court in or  
22 outside of this State of any offense that, if

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1       committed or attempted in this State, based on the  
2       elements of the convicted offense, would have been  
3       punishable as one or more of the offenses described in  
4       chapter 846E; or

5       (2) The licensee has been required to register as a sex  
6       offender pursuant to the provisions of chapter 846E,  
7       regardless of whether the related conviction has been  
8       appealed.

9       (b) The director shall notify the licensee of the license  
10      revocation or denial of application to renew, restore, or  
11      reinstate the license and of the right to elect to have a  
12      hearing as provided in subsection (c).

13      (c) Upon revocation of the license or denial of an  
14      application to renew, restore, or reinstate, the licensee may  
15      file a written request for a hearing with the licensing  
16      authority within ten days of the notice. The hearing shall be  
17      held within thirty days of the revocation or denial. The  
18      proceeding shall be conducted in accordance with chapter 91.

19      (d) For the purposes of enforcement of this section, a  
20      plea or verdict of guilty, or a conviction after a plea of nolo  
21      contendere, shall be deemed a conviction. The record of



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1 conviction shall be conclusive evidence of the fact that the  
2 conviction occurred.

3 (e) If the related conviction of the license holder is  
4 overturned upon appeal, the revocation or denial ordered  
5 pursuant to this section shall automatically cease. Nothing in  
6 this subsection shall prohibit the program from pursuing  
7 disciplinary action based on any cause other than the overturned  
8 conviction.

9 (f) Any final order of discipline taken pursuant to this  
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise  
12 reinstate the license of a person under any of the following  
13 circumstances:

14 (1) The person has been required to register as a sex  
15 offender pursuant to the requirements of chapter 846E,  
16 regardless of whether the conviction has been  
17 appealed; and

18 (2) The person engaged in the offense with a patient or  
19 client, or with a former patient or client if the  
20 relationship was terminated primarily for the purpose  
21 of committing the offense."

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SECTION 21. Chapter 459, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§459- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction as a registered sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to the requirements of chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 file a written request for a hearing with the licensing  
6 authority within ten days of the notice. The hearing shall be  
7 held within thirty days of the revocation or denial. The  
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a  
10 plea or verdict of guilty, or a conviction after a plea of nolo  
11 contendere, shall be deemed a conviction. The record of  
12 conviction shall be conclusive evidence of the fact that the  
13 conviction occurred.

14 (e) If the related conviction of the license holder is  
15 overturned upon appeal, the revocation or denial ordered  
16 pursuant to this section shall automatically cease. Nothing in  
17 this subsection shall prohibit the board from pursuing  
18 disciplinary action based on any cause other than the overturned  
19 conviction.

20 (f) Any final order of discipline taken pursuant to this  
21 section shall be a matter of public record.

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1        (g) The board shall not restore, renew, or otherwise  
2 reinstate the license of a person under any of the following  
3 circumstances:

4        (1) The person has been required to register as a sex  
5 offender pursuant to the requirements of chapter 846E,  
6 regardless of whether the conviction has been  
7 appealed; and

8        (2) The person engaged in the offense with a patient or  
9 client, or with a former patient or client if the  
10 relationship was terminated primarily for the purpose  
11 of committing the offense."

12        SECTION 22. Chapter 461, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15        "§461-        Revocation of license or denial of application  
16 to renew, restore, or reinstate a license based on conviction as  
17 a registered sex offender; conditions. (a) Notwithstanding any  
18 law to the contrary, the board shall automatically revoke a  
19 license or deny an application to renew, restore, or reinstate a  
20 license under either of the following circumstances:

21        (1) The licensee has been convicted in any court in or  
22 outside of this State of any offense that, if

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1           committed or attempted in this State, based on the  
2           elements of the convicted offense, would have been  
3           punishable as one or more of the offenses described in  
4           chapter 846E; or

5       (2)   The licensee has been required to register as a sex  
6           offender pursuant to the requirements of chapter 846E,  
7           regardless of whether the related conviction has been  
8           appealed.

9       (b)   The board shall notify the licensee of the license  
10       revocation or denial of application to renew, restore, or  
11       reinstate the license and of the right to elect to have a  
12       hearing as provided in subsection (c).

13       (c)   Upon revocation of the license or denial of an  
14       application to renew, restore, or reinstate, the licensee may  
15       file a written request for a hearing with the licensing  
16       authority within ten days of the notice. The hearing shall be  
17       held within thirty days of the revocation or denial. The  
18       proceeding shall be conducted in accordance with chapter 91.

19       (d)   For the purposes of enforcement of this section, a  
20       plea or verdict of guilty, or a conviction after a plea of nolo  
21       contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the  
2 conviction occurred.

3 (e) If the related conviction of the license holder is  
4 overturned upon appeal, the revocation or denial ordered  
5 pursuant to this section shall automatically cease. Nothing in  
6 this subsection shall prohibit the board from pursuing  
7 disciplinary action based on any cause other than the overturned  
8 conviction.

9 (f) Any final order of discipline taken pursuant to this  
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise  
12 reinstate the license of a person under any of the following  
13 circumstances:

14 (1) The person has been required to register as a sex  
15 offender pursuant to the requirements of chapter 846E,  
16 regardless of whether the conviction has been  
17 appealed; and

18 (2) The person engaged in the offense with a patient or  
19 client, or with a former patient or client if the  
20 relationship was terminated primarily for the purpose  
21 of committing the offense."

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SECTION 23. Chapter 461J, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§461J- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction as a registered sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to the requirements of chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 file a written request for a hearing with the licensing  
6 authority within ten days of the notice. The hearing shall be  
7 held within thirty days of the revocation or denial. The  
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a  
10 plea or verdict of guilty, or a conviction after a plea of nolo  
11 contendere, shall be deemed a conviction. The record of  
12 conviction shall be conclusive evidence of the fact that the  
13 conviction occurred.

14 (e) If the related conviction of the license holder is  
15 overturned upon appeal, the revocation or denial ordered  
16 pursuant to this section shall automatically cease. Nothing in  
17 this subsection shall prohibit the board from pursuing  
18 disciplinary action based on any cause other than the overturned  
19 conviction.

20 (f) Any final order of discipline taken pursuant to this  
21 section shall be a matter of public record.



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1        (g) The board shall not restore, renew, or otherwise  
2 reinstate the license of a person under any of the following  
3 circumstances:

4        (1) The person has been required to register as a sex  
5 offender pursuant to the requirements of chapter 846E,  
6 regardless of whether the conviction has been  
7 appealed; and

8        (2) The person engaged in the offense with a patient or  
9 client, or with a former patient or client if the  
10 relationship was terminated primarily for the purpose  
11 of committing the offense."

12        SECTION 24. Chapter 463E, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15        "§463E-        Revocation of license or denial of application  
16 to renew, restore, or reinstate a license based on conviction as  
17 a registered sex offender; conditions. (a) Notwithstanding any  
18 law to the contrary, the board shall automatically revoke a  
19 license or deny an application to renew, restore, or reinstate a  
20 license under either of the following circumstances:

21        (1) The licensee has been convicted in any court in or  
22 outside of this State of any offense that, if

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1 committed or attempted in this State, based on the  
2 elements of the convicted offense, would have been  
3 punishable as one or more of the offenses described in  
4 chapter 846E; or

5 (2) The licensee has been required to register as a sex  
6 offender pursuant to the requirements of chapter 846E,  
7 regardless of whether the related conviction has been  
8 appealed.

9 (b) The board shall notify the licensee of the license  
10 revocation or denial of application to renew, restore, or  
11 reinstate the license and of the right to elect to have a  
12 hearing as provided in subsection (c).

13 (c) Upon revocation of the license or denial of an  
14 application to renew, restore, or reinstate, the licensee may  
15 file a written request for a hearing with the licensing  
16 authority within ten days of the notice. The hearing shall be  
17 held within thirty days of the revocation or denial. The  
18 proceeding shall be conducted in accordance with chapter 91.

19 (d) For the purposes of enforcement of this section, a  
20 plea or verdict of guilty, or a conviction after a plea of nolo  
21 contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the  
2 conviction occurred.

3 (e) If the related conviction of the license holder is  
4 overturned upon appeal, the revocation or denial ordered  
5 pursuant to this section shall automatically cease. Nothing in  
6 this subsection shall prohibit the board from pursuing  
7 disciplinary action based on any cause other than the overturned  
8 conviction.

9 (f) Any final order of discipline taken pursuant to this  
10 section shall be a matter of public record.

11 (g) The board shall not restore, renew, or otherwise  
12 reinstate the license of a person under any of the following  
13 circumstances:

14 (1) The person has been required to register as a sex  
15 offender pursuant to the requirements of chapter 846E,  
16 regardless of whether the conviction has been  
17 appealed; and

18 (2) The person engaged in the offense with a patient or  
19 client, or with a former patient or client if the  
20 relationship was terminated primarily for the purpose  
21 of committing the offense."

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SECTION 25. Chapter 465, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§465- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction as a registered sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to the requirements of chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 file a written request for a hearing with the licensing  
6 authority within ten days of the notice. The hearing shall be  
7 held within thirty days of the revocation or denial. The  
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a  
10 plea or verdict of guilty or a conviction after a plea of nolo  
11 contendere, shall be deemed a conviction. The record of  
12 conviction shall be conclusive evidence of the fact that the  
13 conviction occurred.

14 (e) If the related conviction of the license holder is  
15 overturned upon appeal, the revocation or denial ordered  
16 pursuant to this section shall automatically cease. Nothing in  
17 this subsection shall prohibit the board from pursuing  
18 disciplinary action based on any cause other than the overturned  
19 conviction.

20 (f) Any final order of discipline taken pursuant to this  
21 section shall be a matter of public record.

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(g) The board shall not restore, renew, or otherwise  
reinstate the license of a person under any of the following  
circumstances:

(1) The person has been required to register as a sex  
offender pursuant to the requirements of chapter 846E,  
regardless of whether the conviction has been  
appealed; and

(2) The person engaged in the offense with a patient or  
client, or with a former patient or client if the  
relationship was terminated primarily for the purpose  
of committing the offense."

SECTION 26. Chapter 465D, Hawaii Revised Statutes, is  
amended by adding a new section to be appropriately designated  
and to read as follows:

"§465D- Revocation of license or denial of application  
to renew, restore, or reinstate a license based on conviction as  
a registered sex offender; conditions. (a) Notwithstanding any  
law to the contrary, the director shall automatically revoke a  
license or deny an application to renew, restore, or reinstate a  
license under either of the following circumstances:

(1) The licensee has been convicted in any court in or  
outside of this State of any offense that, if

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1       committed or attempted in this State, based on the  
2       elements of the convicted offense, would have been  
3       punishable as one or more of the offenses described in  
4       chapter 846E; or

5       (2) The licensee has been required to register as a sex  
6       offender pursuant to the provisions of chapter 846E,  
7       regardless of whether the related conviction has been  
8       appealed.

9       (b) The director shall notify the licensee of the license  
10      revocation or denial of application to renew, restore, or  
11      reinstate the license and of the right to elect to have a  
12      hearing as provided in subsection (c).

13      (c) Upon revocation of the license or denial of an  
14      application to renew, restore, or reinstate, the licensee may  
15      file a written request for a hearing with the licensing  
16      authority within ten days of the notice. The hearing shall be  
17      held within thirty days of the revocation or denial. The  
18      proceeding shall be conducted in accordance with chapter 91.

19      (d) For the purposes of enforcement of this section, a  
20      plea or verdict of guilty, or a conviction after a plea of nolo  
21      contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the  
2 conviction occurred.

3 (e) If the related conviction of the license holder is  
4 overturned upon appeal, the revocation or denial ordered  
5 pursuant to this section shall automatically cease. Nothing in  
6 this subsection shall prohibit the program from pursuing  
7 disciplinary action based on any cause other than the overturned  
8 conviction.

9 (f) Any final order of discipline taken pursuant to this  
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise  
12 reinstate the license of a person under any of the following  
13 circumstances:

14 (1) The person has been required to register as a sex  
15 offender pursuant to the requirements of chapter 846E,  
16 regardless of whether the conviction has been  
17 appealed; and

18 (2) The person engaged in the offense with a patient or  
19 client, or with a former patient or client if the  
20 relationship was terminated primarily for the purpose  
21 of committing the offense."



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SECTION 27. Chapter 466D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§466D- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction as a registered sex offender; conditions. (a) Notwithstanding any law to the contrary, the director shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to the provisions of chapter 846E, regardless of whether the related conviction has been appealed.

(b) The director shall notify the licensee of the license revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 file a written request for a hearing with the licensing  
6 authority within ten days of the notice. The hearing shall be  
7 held within thirty days of the revocation or denial. The  
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a  
10 plea or verdict of guilty, or a conviction after a plea of nolo  
11 contendere, shall be deemed a conviction. The record of  
12 conviction shall be conclusive evidence of the fact that the  
13 conviction occurred.

14 (e) If the related conviction of the license holder is  
15 overturned upon appeal, the revocation or denial ordered  
16 pursuant to this section shall automatically cease. Nothing in  
17 this subsection shall prohibit the program from pursuing  
18 disciplinary action based on any cause other than the overturned  
19 conviction.

20 (f) Any final order of discipline taken pursuant to this  
21 section shall be a matter of public record.

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1        (g) The director shall not restore, renew, or otherwise  
2 reinstate the license of a person under any of the following  
3 circumstances:

4        (1) The person has been required to register as a sex  
5 offender pursuant to the requirements of chapter 846E,  
6 regardless of whether the conviction has been  
7 appealed; and

8        (2) The person engaged in the offense with a patient or  
9 client, or with a former patient or client if the  
10 relationship was terminated primarily for the purpose  
11 of committing the offense."

12        SECTION 28. Chapter 467E, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15        "§467E-        Revocation of license or denial of application  
16 to renew, restore, or reinstate a license based on conviction as  
17 a registered sex offender; conditions. (a) Notwithstanding any  
18 law to the contrary, the director shall automatically revoke a  
19 license or deny an application to renew, restore, or reinstate a  
20 license under either of the following circumstances:

21        (1) The licensee has been convicted in any court in or  
22 outside of this State of any offense that, if

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1       committed or attempted in this State, based on the  
2       elements of the convicted offense, would have been  
3       punishable as one or more of the offenses described in  
4       chapter 846E; or

5       (2) The licensee has been required to register as a sex  
6       offender pursuant to the provisions of chapter 846E,  
7       regardless of whether the related conviction has been  
8       appealed.

9       (b) The director shall notify the licensee of the license  
10      revocation or denial of application to renew, restore, or  
11      reinstate the license and of the right to elect to have a  
12      hearing as provided in subsection (c).

13      (c) Upon revocation of the license or denial of an  
14      application to renew, restore, or reinstate, the licensee may  
15      file a written request for a hearing with the licensing  
16      authority within ten days of the notice. The hearing shall be  
17      held within thirty days of the revocation or denial. The  
18      proceeding shall be conducted in accordance with chapter 91.

19      (d) For the purposes of enforcement of this section, a  
20      plea or verdict of guilty, or a conviction after a plea of nolo  
21      contendere, shall be deemed a conviction. The record of

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1 conviction shall be conclusive evidence of the fact that the  
2 conviction occurred.

3 (e) If the related conviction of the license holder is  
4 overturned upon appeal, the revocation or denial ordered  
5 pursuant to this section shall automatically cease. Nothing in  
6 this subsection shall prohibit the program from pursuing  
7 disciplinary action based on any cause other than the overturned  
8 conviction.

9 (f) Any final order of discipline taken pursuant to this  
10 section shall be a matter of public record.

11 (g) The director shall not restore, renew, or otherwise  
12 reinstate the license of a person under any of the following  
13 circumstances:

14 (1) The person has been required to register as a sex  
15 offender pursuant to the requirements of chapter 846E,  
16 regardless of whether the conviction has been  
17 appealed; and

18 (2) The person engaged in the offense with a patient or  
19 client, or with a former patient or client if the  
20 relationship was terminated primarily for the purpose  
21 of committing the offense."

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SECTION 29. Chapter 468E, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§468E- Revocation of license or denial of application to renew, restore, or reinstate a license based on conviction as a registered sex offender; conditions. (a) Notwithstanding any law to the contrary, the board shall automatically revoke a license or deny an application to renew, restore, or reinstate a license under either of the following circumstances:

(1) The licensee has been convicted in any court in or outside of this State of any offense that, if committed or attempted in this State, based on the elements of the convicted offense, would have been punishable as one or more of the offenses described in chapter 846E; or

(2) The licensee has been required to register as a sex offender pursuant to the requirements of chapter 846E, regardless of whether the related conviction has been appealed.

(b) The board shall notify the licensee of the license revocation or denial of application to renew, restore, or

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1 reinstate the license and of the right to elect to have a  
2 hearing as provided in subsection (c).

3 (c) Upon revocation of the license or denial of an  
4 application to renew, restore, or reinstate, the licensee may  
5 file a written request for a hearing with the licensing  
6 authority within ten days of the notice. The hearing shall be  
7 held within thirty days of the revocation or denial. The  
8 proceeding shall be conducted in accordance with chapter 91.

9 (d) For the purposes of enforcement of this section, a  
10 plea or verdict of guilty, or a conviction after a plea of nolo  
11 contendere, shall be deemed a conviction. The record of  
12 conviction shall be conclusive evidence of the fact that the  
13 conviction occurred.

14 (e) If the related conviction of the license holder is  
15 overturned upon appeal, the revocation or denial ordered  
16 pursuant to this section shall automatically cease. Nothing in  
17 this subsection shall prohibit the board from pursuing  
18 disciplinary action based on any cause other than the overturned  
19 conviction.

20 (f) Any final order of discipline taken pursuant to this  
21 section shall be a matter of public record.

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(g) The board shall not restore, renew, or otherwise  
reinstate the license of a person under any of the following  
circumstances:

(1) The person has been required to register as a sex  
offender pursuant to the requirements of chapter 846E,  
regardless of whether the conviction has been  
appealed; and

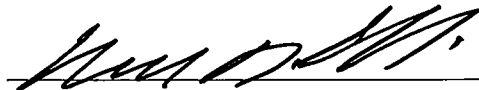
(2) The person engaged in the offense with a patient or  
client, or with a former patient or client if the  
relationship was terminated primarily for the purpose  
of committing the offense."

SECTION 30. This Act does not affect rights and duties  
that matured, penalties that were incurred, and proceedings that  
were begun before its effective date.

SECTION 31. New statutory material is underscored.

SECTION 32. This Act shall take effect upon its approval.

INTRODUCED BY:



BY REQUEST



# S.B. NO. /373

**Report Title:**

DCCA; Registered Sex Offenders; Professional Licenses; Automatic Revocation and Denial of Application to Renew, Restore, or Reinstatement

**Description:**

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

## JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO ADMINSTRATIVE  
LICENSURE ACTIONS AGAINST SEX OFFENDERS.

PURPOSE: To allow the timely revocation of a license  
and denial of a renewal, restoration, or  
reinstatement of a license for certain  
professions when the licensee is a  
registered sex offender.

MEANS: Add new sections to chapters 436E, 436H,  
439A, 442, 447, 448, 448F, 451A, 451J, 452,  
453, 453D, 455, 457, 457A, 457B, 457G, 457J,  
458, 459, 461, 461J, 463E, 465, 465D, 466D,  
467E, and 468E, Hawaii Revised Statutes  
(HRS).

JUSTIFICATION: Current laws do not facilitate the timely  
revocation of a license and denial of a  
renewal, restoration, or reinstatement of a  
license for certain professions when the  
licensee becomes or is found to be a  
registered sex offender. This bill allows  
for the automatic revocation of a license or  
denial of an application to renew,  
reinstate, or restore a license for certain  
professions when the licensee is a  
registered sex offender.

Impact on the public: Increases consumer  
safety and welfare.

Impact on the department and other agencies:  
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: CCA-105.

OTHER AFFECTED  
AGENCIES: None.

EFFECTIVE DATE:      Upon approval.