S.B. NO. <sup>1373</sup> S.D. 2 H.D. 2

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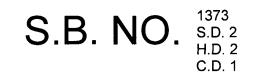
## A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX OFFENDERS.

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

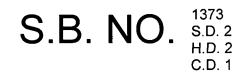
1	SECTION 1. The legislature finds that a recent Civil Beat
2	article highlighted the inability of state licensing boards and
3	agencies to promptly revoke the professional licenses of
4	registered sex offenders. The legislature believes that timely
5	action in cases where certain professional license 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 purpose of this Act is to:
11	(1) Authorize the department of commerce and consumer
12	affairs and certain licensing boards to automatically
13	revoke and deny the renewal, restoration, or
14	reinstatement of a license to a licensee who is a
15	registered sex offender;
16	(2) Establish conditions for the disciplinary action; and

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1	(3)	Ensure consumer protection by requiring any final
2		order of discipline taken to be public record.
3	SECT	ION 2. Chapter 436E, Hawaii Revised Statutes, is
4	amended b	y adding a new section to be appropriately designated
5	and to rea	ad as follows:
6	" <u>§</u> 43	6E- Revocation of license or denial of application
7	to renew,	restore, or reinstate a license based on conviction
8	requiring	registration as a sex offender; conditions. (a)
9	Notwithst	anding any law to the contrary, the board shall
10	automatic	ally revoke a license or deny an application to renew,
11	restore,	or reinstate a license under either of the following
12	circumsta	nces:
13	(1)	The licensee has been convicted in any court in or
14		outside of this State of any offense that, if
15		committed or attempted in this State, based on the
16		elements of the convicted offense, would have been
17		punishable as one or more of the offenses described in
18		chapter 846E; or
19	(2)	The licensee has been required to register as a sex
20		offender pursuant to chapter 846E, regardless of
21		whether the related conviction has been appealed.

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1	(b) The board 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 board within ten
8	days of the notice. The hearing shall be held within thirty
9	days of the revocation or denial. The proceeding shall be
10	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 board from pursuing
20	disciplinary action based on any cause other than the overturned
21	conviction

21 <u>conviction</u>.

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<u>(</u> f)	Any final order of discipline taken pursuant to this
section s	hall be a matter of public record.
<u>(g)</u>	The board shall not restore, renew, or otherwise
reinstate	the license of a person under any of the following
circumsta	nces:
(1)	The person has been required to register as a sex
	offender pursuant to 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."
SECT	ION 3. Chapter 436H, Hawaii Revised Statutes, is
amended b	y adding a new section to be appropriately designated
and to re	ad as follows:
" <u>§</u> 43	6H- Revocation of license or denial of application
to renew,	restore, or reinstate a license based on conviction
requiring	registration as a sex offender; conditions. (a)
Notwithst	anding any law to the contrary, the director shall
	(g) reinstate circumstat (1) (2) (2) SECT amended by and to rea " <u>\$43</u> to renew,



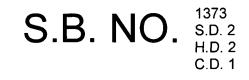


1	restore,	or reinstate a license under either of the following
2	<u>circumsta</u>	nces:
3	(1)	The licensee has been convicted in any court in or
4		outside of this State of any offense that, if
5		committed or attempted in this State, based on the
6		elements of the convicted offense, would have been
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 chapter 846E, regardless of
11		whether the related conviction has been appealed.
12	(b)	The director shall notify the licensee of the license
13	revocatio	n or denial of application to renew, restore, or
14	reinstate	the license and of the right to elect to have a
15	hearing a	s provided in subsection (c).
16	<u>(c)</u>	Upon revocation of the license or denial of an
17	applicati	on to renew, restore, or reinstate, the licensee may
18	file a wr	itten request for a hearing with the director within
19	ten days	of the notice. The hearing shall be held within thirty
20	days of t	he revocation or denial. The proceeding shall be
21	conducted	in accordance with chapter 91.

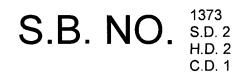




1	(d) For the purposes of enforcement of this section, a
2	plea or verdict of guilty, or a conviction after a plea of nolo
3	contendere, shall be deemed a conviction. The record of
4	conviction shall be conclusive evidence of the fact that the
5	conviction occurred.
6	(e) If the related conviction of 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 director 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 director 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 chapter 846E, regardless of
19	whether the conviction has been appealed; and
20	(2) The person engaged in the offense with a patient or
21	client, or with a former patient or client if the



1		relationship was terminated primarily for the purpose
2		of committing the offense."
3	SECT	ION 4. Chapter 439A, Hawaii Revised Statutes, is
4	amended b	by adding a new section to be appropriately designated
5	and to re	ad as follows:
6	" <u>§</u> 43	9A- Revocation of license or denial of application
7	to renew,	restore, or reinstate a license based on conviction
8	requiring	registration as a sex offender; conditions. (a)
9	Notwithst	anding any law to the contrary, the board shall
10	automatic	ally revoke a license or deny an application to renew,
11	restore,	or reinstate a license under either of the following
12	circumsta	nces:
13	(1)	The licensee has been convicted in any court in or
14		outside of this State of any offense that, if
15		committed or attempted in this State, based on the
16		elements of the convicted offense, would have been
17		punishable as one or more of the offenses described in
18		chapter 846E; or
19	(2)	The licensee has been required to register as a sex
20		offender pursuant to chapter 846E, regardless of
21		whether the related conviction has been appealed.



1	(b) The board 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 board within ten
8	days of the notice. The hearing shall be held within thirty
9	days of the revocation or denial. The proceeding shall be
10	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 board from pursuing
20	disciplinary action based on any cause other than the overturned
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21 <u>conviction</u>.



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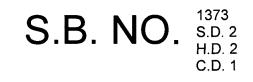




1	<u>restore</u> ,	or reinstate a license under either of the following
2	<u>circumsta</u>	ances:
3	(1)	The licensee has been convicted in any court in or
4		outside of this State of any offense that, if
5		committed or attempted in this State, based on the
6		elements of the convicted offense, would 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 chapter 846E, regardless of
11		whether the related conviction has been appealed.
12	(b)	The board shall notify the licensee of the license
13	revocatio	on or denial of application to renew, restore, or
14	reinstate	e the license and of the right to elect to have a
15	hearing a	as provided in subsection (c).
16	(c)	Upon revocation of the license or denial of an
17	applicati	on to renew, restore, or reinstate, the licensee may
18	file a wr	ritten request for a hearing with the board within ten
19	days of t	the notice. The hearing shall be held within thirty
20	days of t	the revocation or denial. The proceeding shall be
21	conducted	in accordance with chapter 91.



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

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1	relationship was terminated primarily for the purpose
2	of committing the offense."
3	SECTION 6. Chapter 447, Hawaii Revised Statutes, is
4	amended by adding a new section to be appropriately designated
5	and to read as follows:
6	"§447- Revocation of license or denial of application to
7	renew, restore, or reinstate a license based on conviction
8	requiring registration as a sex offender; conditions. (a)
9	Notwithstanding any law to the contrary, the board of dentistry
10	shall automatically revoke a license or deny an application to
11	renew, restore, or reinstate a license under either of the
12	following circumstances:
13	(1) The licensee has been convicted in any court in or
14	outside of this State of any offense that, if
15	committed or attempted in this State, based on the
16	elements of the convicted offense, would have been
17	punishable as one or more of the offenses described in
18	chapter 846E; or
19	(2) The licensee has been required to register as a sex
20	offender pursuant to chapter 846E, regardless of
21	whether the related conviction has been appealed.

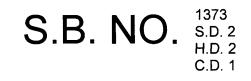
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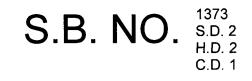
1	(b) The board of dentistry shall notify the licensee of
2	the license revocation or denial of application to renew,
3	restore, or reinstate the license and of the right to elect to
4	have a hearing as provided in subsection (c).
5	(c) Upon revocation of the license or denial of an
6	application to renew, restore, or reinstate, the licensee may
7	file a written request for a hearing with the board of dentistry
8	within ten days of the notice. The hearing shall be held within
9	thirty days of the revocation or denial. The proceeding shall
10	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 board of dentistry from
20	pursuing disciplinary action based on any cause other than the
21	overturned conviction.

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1	<u>(f)</u>	Any final order of discipline taken pursuant to this
2	section s	hall be a matter of public record.
3	(g)	The board of dentistry shall not restore, renew, or
4	otherwise	reinstate the license of a person under any of the
5	following	circumstances:
6	(1)	The person has been required to register as a sex
7		offender pursuant to chapter 846E, regardless of
8		whether the conviction has been appealed; and
9	(2)	The person engaged in the offense with a patient or
10		client, or with a former patient or client if the
11		relationship was terminated primarily for the purpose
12		of committing the offense."
13	SECT	ION 7. Chapter 448, Hawaii Revised Statutes, is
14	amended by	y adding a new section to be appropriately designated
15	and to rea	ad as follows:
16	" <u>§44</u>	8- Revocation of license or denial of application to
17	renew, rea	store, or reinstate a license based on conviction
18	requiring	registration as a sex offender; conditions. (a)
19	Notwithsta	anding any law to the contrary, the board shall
20	automatica	ally revoke a license or deny an application to renew,



1	restore,	or reinstate a license under either of the following
2	circumsta	inces:
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 chapter 846E, regardless of
11		whether the related conviction has been appealed.
12	(b)	The board shall notify the licensee of the license
13	revocatio	on or denial of application to renew, restore, or
14	reinstate	the license and of the right to elect to have a
15	hearing a	s provided in subsection (c).
16	(C)	Upon revocation of the license or denial of an
17	applicati	on to renew, restore, or reinstate, the licensee may
18	file a wr	itten request for a hearing with the board within ten
19	days of t	he notice. The hearing shall be held within thirty
20	<u>days of t</u>	he revocation or denial. The proceeding shall be
21	conducted	l in accordance with chapter 91.

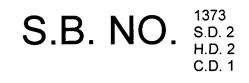
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1	(d) For the purposes of enforcement of this section, a
2	plea or verdict of guilty, or a conviction after a plea of nolo
3	contendere, shall be deemed a conviction. The record of
4	conviction shall be conclusive evidence of the fact that the
5	conviction 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 chapter 846E, regardless of
19	whether the conviction has been appealed; and
20	(2) The person engaged in the offense with a patient or
21	client, or with a former patient or client if the

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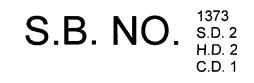
1		relationship was terminated primarily for the purpose
2		of committing the offense."
3	SECT	ION 8. Chapter 448F, Hawaii Revised Statutes, is
4	amended b	y adding a new section to be appropriately designated
5	and to re	ad as follows:
6	" <u>§<b>44</b></u>	8F- Revocation of license or denial of application
7	to renew,	restore, or reinstate a license based on conviction
8	requiring	registration as a sex offender; conditions. (a)
9	Notwithst	anding any law to the contrary, the director shall
10	automatic	ally revoke a license or deny an application to renew,
11	<u>restore,</u>	or reinstate a license under either of the following
12	circumsta	nces:
13	(1)	The licensee has been convicted in any court in or
14		outside of this State of any offense that, if
15		committed or attempted in this State, based on the
16		elements of the convicted offense, would have been
17		punishable as one or more of the offenses described in
18		chapter 846E; or
19	(2)	The licensee has been required to register as a sex
20		offender pursuant to chapter 846E, regardless of
21		whether the related conviction has been appealed.



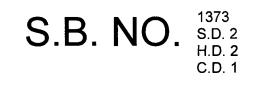
1	(b) The director shall notify the licensee of the license
2	revocation or denial of application to renew, restore, or
3	reinstate the license and of the right to elect to have a
4	hearing as provided in subsection (c).
5	(c) Upon revocation of the license or denial of an
6	application to renew, restore, or reinstate, the licensee may
7	file a written request for a hearing with the director within
8	ten days of the notice. The hearing shall be held within thirty
9	days of the revocation or denial. The proceeding shall be
10	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 director from pursuing
20	disciplinary action based on any cause other than the overturned
21	conviction.



1	(f)	Any final order of discipline taken pursuant to this
2	section s	hall be a matter of public record.
3	<u>(g)</u>	The director shall not restore, renew, or otherwise
4	reinstate	the license of a person under any of the following
5	circumsta	nces:
6	(1)	The person has been required to register as a sex
7		offender pursuant to chapter 846E, regardless of
8		whether the conviction has been appealed; and
9	(2)	The person engaged in the offense with a patient or
10		client, or with a former patient or client if the
11		relationship was terminated primarily for the purpose
12		of committing the offense."
13	SECT	ION 9. Chapter 451A, Hawaii Revised Statutes, is
14	amended b	y adding a new section to be appropriately designated
15	and to re	ad as follows:
16	" <u>§</u> 45	1A- Revocation of license or denial of application
17	to renew,	restore, or reinstate a license based on conviction
18	requiring	registration as a sex offender; conditions. (a)
19	Notwithst	anding any law to the contrary, the director shall
20	automatic	ally revoke a license or deny an application to renew,



1	restore,	or reinstate a license under either of the following
2	circumsta	nces:
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 chapter 846E, regardless of
11		whether the related conviction has been appealed.
12	(b)	The director shall notify the licensee of the license
13	revocatio	n or denial of application to renew, restore, or
14	reinstate	the license and of the right to elect to have a
15	hearing a	s provided in subsection (c).
16	(c)	Upon revocation of the license or denial of an
17	applicati	on to renew, restore, or reinstate, the licensee may
18	<u>file a wr</u>	itten request for a hearing with the director within
19	ten days	of the notice. The hearing shall be held within thirty
20	days of t	he revocation or denial. The proceeding shall be
21	conducted	in accordance with chapter 91.



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 director 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 director 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 chapter 846E, regardless of
19	whether the conviction has been appealed; and
20	(2) The person engaged in the offense with a patient or
21	client, or with a former patient or client if the





1		relationship was terminated primarily for the purpose
2		of committing the offense."
3	SECT	ION 10. Chapter 451J, Hawaii Revised Statutes, is
4	amended b	y adding a new section to be appropriately designated
5	and to re	ad as follows:
6	" <u>§</u> 45	1J- Revocation of license or denial of application
7	to renew,	restore, or reinstate a license based on conviction
8	requiring	registration as a sex offender; conditions. (a)
9	Notwithst	anding any law to the contrary, the director shall
10	automatic	ally revoke a license or deny an application to renew,
11	restore,	or reinstate a license under either of the following
12	<u>circumsta</u>	nces:
13	(1)	The licensee has been convicted in any court in or
14		outside of this State of any offense that, if
15		committed or attempted in this State, based on the
16		elements of the convicted offense, would have been
17		punishable as one or more of the offenses described in
18		chapter 846E; or
19	(2)	The licensee has been required to register as a sex
20		offender pursuant to chapter 846E, regardless of
21		whether the related conviction has been appealed.



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 director within
8	ten days of the notice. The hearing shall be held within thirty
9	days of the revocation or denial. The proceeding shall be
10	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 director from pursuing
20	disciplinary action based on any cause other than the overturned
21	conviction.





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 chapter 846E, regardless of
8	whether the conviction has been appealed; and
9	(2) The person engaged in the offense with a patient or
10	client, or with a former patient or client if the
11	relationship was terminated primarily for the purpose
12	of committing the offense."
13	SECTION 11. Chapter 452, Hawaii Revised Statutes, is
14	amended by adding a new section to be appropriately designated
15	and to read as follows:
16	"§452- Revocation of license or denial of application to
17	renew, restore, or reinstate a license based on conviction
18	requiring registration as a sex offender; conditions. (a)
19	Notwithstanding any law to the contrary, the board shall
20	automatically revoke a license or deny an application to renew,



1	<u>restore,</u>	or reinstate a license under either of the following
2	<u>circumsta</u>	inces:
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 chapter 846E, regardless of
11		whether the related conviction has been appealed.
12	(b)	The board shall notify the licensee of the license
13	revocatic	on or denial of application to renew, restore, or
14	reinstate	the license and of the right to elect to have a
15	hearing a	s provided in subsection (c).
16	(c)	Upon revocation of the license or denial of an
17	applicati	on to renew, restore, or reinstate, the licensee may
18	file a wr	itten request for a hearing with the board within ten
19	days of t	he notice. The hearing shall be held within thirty
20	days of t	he revocation or denial. The proceeding shall be
21	conducted	l in accordance with chapter 91.

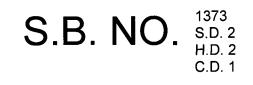
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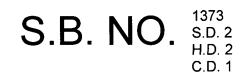
1	(d) For the purposes of enforcement of this section, a	
2	plea or verdict of guilty, or a conviction after a plea of nolo	
3	contendere, shall be deemed a conviction. The record of	
4	conviction shall be conclusive evidence of the fact that the	
5	conviction occurred.	
6	(e) If the related conviction 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 chapter 846E, regardless of	
19	whether the conviction has been appealed; and	
20	(2) The person engaged in the offense with a patient or	
21	client, or with a former patient or client if the	



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	relationship was terminated primarily for the purpose
	of committing the offense."
SECT	ION 12. Chapter 453, Hawaii Revised Statutes, is
amended b	y adding a new section to be appropriately designated
and to re	ad as follows:
" <u>§</u> 45	3- Revocation of license or denial of application to
renew, re	store, or reinstate a license based on conviction
requiring	registration as a sex offender; conditions. (a)
Notwithst	anding any law to the contrary, the board shall
automatic	ally revoke a license or deny an application to renew,
restore,	or reinstate a license under either of the following
circumsta	nces:
(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 chapter 846E, regardless of
	whether the related conviction has been appealed.
	amended b and to re " <u>\$45</u> <u>renew, re</u> <u>requiring</u> <u>Notwithst</u> <u>automatic</u> <u>restore,</u> <u>(1)</u>

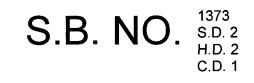


1	(b) The board shall notify the licensee of the license
2	revocation or denial of application to renew, restore, or
3	reinstate the license and of the right to elect to have a
4	hearing as provided in subsection (c).
5	(c) Upon revocation of the license or denial of an
6	application to renew, restore, or reinstate, the licensee may
7	file a written request for a hearing with the board within ten
8	days of the notice. The hearing shall be held within thirty
9	days of the revocation or denial. The proceeding shall be
10	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 board from pursuing
20	disciplinary action based on any cause other than the overturned
21	conviction

21 <u>conviction</u>.



1	(f)	Any final order of discipline taken pursuant to this
2	section s	hall be a matter of public record.
3	<u>(g)</u>	The board shall not restore, renew, or otherwise
4	reinstate	the license of a person under any of the following
5	circumsta	nces:
6	(1)	The person has been required to register as a sex
7		offender pursuant to chapter 846E, regardless of
8		whether the conviction has been appealed; and
9	(2)	The person engaged in the offense with a patient or
10		client, or with a former patient or client if the
11		relationship was terminated primarily for the purpose
12		of committing the offense."
13	SECT	ION 13. Chapter 453D, Hawaii Revised Statutes, is
14	amended by adding a new section to be appropriately designated	
15	and to re	ad as follows:
16	" <u>§</u> 45	3D- Revocation of license or denial of application
17	to renew,	restore, or reinstate a license based on conviction
18	requiring	registration as a sex offender; conditions. (a)
19	Notwithst	anding any law to the contrary, the director shall
20	automatic	ally revoke a license or deny an application to renew,



1	restore,	or reinstate a license under either of the following
2	circumsta	ances:
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 chapter 846E, regardless of
11		whether the related conviction has been appealed.
12	(b)	The director shall notify the licensee of the license
13	revocatio	on or denial of application to renew, restore, or
14	reinstate	the license and of the right to elect to have a
15	hearing a	s provided in subsection (c).
16	<u>(c)</u>	Upon revocation of the license or denial of an
17	applicati	on to renew, restore, or reinstate, the licensee may
18	file a wr	itten request for a hearing with the director within
19	ten days	of the notice. The hearing shall be held within thirty
20	days of t	he revocation or denial. The proceeding shall be
21	conducted	in accordance with chapter 91.

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



1	relationship was terminated primarily for the purpose
2	of committing the offense."
3	SECTION 14. Chapter 455, Hawaii Revised Statutes, is
4	amended by adding a new section to be appropriately designated
5	and to read as follows:
6	" <u>§455-</u> Revocation of license or denial of application to
7	renew, restore, or reinstate a license based on conviction
8	requiring registration as a sex offender; conditions. (a)
9	Notwithstanding any law to the contrary, the board shall
10	automatically revoke a license or deny an application to renew,
11	restore, or reinstate a license under either of the following
12	circumstances:
13	(1) The licensee has been convicted in any court in or
14	outside of this State of any offense that, if
15	committed or attempted in this State, based on the
16	elements of the convicted offense, would have been
17	punishable as one or more of the offenses described in
18	chapter 846E; or
19	(2) The licensee has been required to register as a sex
20	offender pursuant to chapter 846E, regardless of
21	whether the related conviction has been appealed.

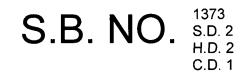


1	(b) The board shall notify the licensee of the license
2	revocation or denial of application to renew, restore, or
3	reinstate the license and of the right to elect to have a
4	hearing as provided in subsection (c).
5	(c) Upon revocation of the license or denial of an
6	application to renew, restore, or reinstate, the licensee may
7	file a written request for a hearing with the board within ten
8	days of the notice. The hearing shall be held within thirty
9	days of the revocation or denial. The proceeding shall be
10	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 board from pursuing
20	disciplinary action based on any cause other than the overturned
21	conviction

21 <u>conviction</u>.



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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 board 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 chapter 846E, regardless of
8	whether the conviction has been appealed; and
9	(2) The person engaged in the offense with a patient or
10	client, or with a former patient or client if the
11	relationship was terminated primarily for the purpose
12	of committing the offense."
13	SECTION 15. Chapter 457, Hawaii Revised Statutes, is
14	amended by adding a new section to be appropriately designated
15	and to read as follows:
16	" <u>\$457-</u> Revocation of license or denial of application to
17	renew, restore, or reinstate a license based on conviction
18	requiring registration as a sex offender; conditions. (a)
19	Notwithstanding any law to the contrary, the board shall
20	automatically revoke a license or deny an application to renew,



1	restore,	or reinstate a license under either of the following
2	<u>circumsta</u>	ances:
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 chapter 846E, regardless of
11		whether the related conviction has been appealed.
12	(b)	The board shall notify the licensee of the license
13	revocatic	on or denial of application to renew, restore, or
14	reinstate	the license and of the right to elect to have a
15	hearing a	s provided in subsection (c).
16	(c)	Upon revocation of the license or denial of an
17	applicati	on to renew, restore, or reinstate, the licensee may
18	file a wr	itten request for a hearing with the board within ten
19	days of t	he notice. The hearing shall be held within thirty
20	<u>days of t</u>	he revocation or denial. The proceeding shall be
21	conducted	l in accordance with chapter 91.



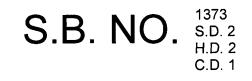


(d) For the purposes of enforcement of this section, a
plea or verdict of guilty, or a conviction after a plea of nolo
contendere, shall be deemed a conviction. The record of
conviction shall be conclusive evidence of the fact that the
conviction occurred.
(e) If the related conviction of the license holder is
overturned upon appeal, the revocation or denial ordered
pursuant to this section shall automatically cease. Nothing in
this subsection shall prohibit the board 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 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 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

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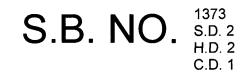
1	relationship was terminated primarily for the purpose
2	of committing the offense."
3	SECTION 16. Chapter 457A, Hawaii Revised Statutes, is
4	amended by adding a new section to be appropriately designated
5	and to read as follows:
6	"§457A- Revocation of certification or denial of
7	application to renew, restore, or reinstate a certification
8	pased on conviction requiring registration as a sex offender;
9	conditions. (a) Notwithstanding any law to the contrary, the
10	director shall automatically revoke a certification or deny an
11	application to renew, restore, or reinstate a certification
12	under either of the following circumstances:
13	(1) The person has been convicted in any court in or
14	outside of this State of any offense that, if
15	committed or attempted in this State, based on the
16	elements of the convicted offense, would have been
17	punishable as one or more of the offenses described in
18	chapter 846E; or
19	(2) The person has been required to register as a sex
20	offender pursuant to chapter 846E, regardless of
21	whether the related conviction has been appealed.



1	(b) The director shall notify the person of the
2	certification revocation or denial of application to renew,
3	restore, or reinstate the certification and of the right to
4	elect to have a hearing as provided in subsection (c).
5	(c) Upon revocation of the certification or denial of an
6	application to renew, restore, or reinstate, the person may file
7	a written request for a hearing with the director within ten
8	days of the notice. The hearing shall be held within thirty
9	days of the revocation or denial. The proceeding shall be
10	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 person is overturned
17	upon appeal, the revocation or denial ordered pursuant to this
18	section shall automatically cease. Nothing in this subsection
19	shall prohibit the director from pursuing disciplinary action
20	based on any cause other than the overturned conviction.

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1	(f) Any final order of discipline taken pursuant to thi	ls
2	section shall be a matter of public record.	
3	(g) The director shall not restore, renew, or otherwise	2
4	reinstate the certification of a person under any of the	
5	following circumstances:	
6	(1) The person has been required to register as a sex	
7	offender pursuant to chapter 846E, regardless of	
8	whether the conviction has been appealed; and	
9	(2) The person engaged in the offense with a patient or	Ê
10	client, or with a former patient or client if the	
11	relationship was terminated primarily for the purpo	<u>se</u>
12	of committing the offense."	
13	SECTION 17. Chapter 457B, Hawaii Revised Statutes, is	
14	amended by adding a new section to be appropriately designate	ed
15	and to read as follows:	
16	"§457B- Revocation of license or denial of application	<u>nc</u>
17	to renew, restore, or reinstate a license based on conviction	1
18	requiring registration as a sex offender; conditions. (a)	
19	Notwithstanding any law to the contrary, the director shall	
20	automatically revoke a license or deny an application to rene	∋w,



1	<u>restore</u> ,	or reinstate a license under either of the following
2	<u>circumsta</u>	inces:
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 chapter 846E, regardless of
11		whether the related conviction has been appealed.
12	(b)	The director shall notify the licensee of the license
13	revocatio	n or denial of application to renew, restore, or
14	reinstate	the license and of the right to elect to have a
15	hearing a	s provided in subsection (c).
16	(C)	Upon revocation of the license or denial of an
17	applicati	on to renew, restore, or reinstate, the licensee may
18	<u>file a wr</u>	itten request for a hearing with the director within
19	ten days	of the notice. The hearing shall be held within thirty
20	days of t	he revocation or denial. The proceeding shall be
21	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 director 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 director 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 chapter 846E, regardless of
19	whether the conviction has been appealed; and
20	(2) The person engaged in the offense with a patient or
21	client, or with a former patient or client if the





1		relationship was terminated primarily for the purpose
2		of committing the offense."
3	SECT	CION 18. Chapter 457G, Hawaii Revised Statutes, is
4	amended b	by adding a new section to be appropriately designated
5	and to re	ead as follows:
6	" <u>§</u> 45	7G- Revocation of license or denial of application
7	to renew,	restore, or reinstate a license based on conviction
8	requiring	registration as a sex offender; conditions. (a)
9	Notwithst	anding any law to the contrary, the director shall
10	automatic	cally revoke a license or deny an application to renew,
11	restore,	or reinstate a license under either of the following
12	circumsta	inces:
13	(1)	The licensee has been convicted in any court in or
14		outside of this State of any offense that, if
15		committed or attempted in this State, based on the
16		elements of the convicted offense, would have been
17		punishable as one or more of the offenses described in
18		chapter 846E; or
19	(2)	The licensee has been required to register as a sex
20		offender pursuant to chapter 846E, regardless of
21		whether the related conviction has been appealed.



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 director within
8	ten days of the notice. The hearing shall be held within thirty
9	days of the revocation or denial. The proceeding shall be
10	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 director from pursuing
20	disciplinary action based on any cause other than the overturned
21	conviction

21 <u>conviction</u>.





1	(f)	Any final order of discipline taken pursuant to this
2	section s	hall be a matter of public record.
3	<u>(g)</u>	The director shall not restore, renew, or otherwise
4	reinstate	the license of a person under any of the following
5	circumsta	nces:
6	(1)	The person has been required to register as a sex
7		offender pursuant to chapter 846E, regardless of
8		whether the conviction has been appealed; and
9	(2)	The person engaged in the offense with a patient or
10		client, or with a former patient or client if the
11		relationship was terminated primarily for the purpose
12		of committing the offense."
13	SECT	ION 19. Chapter 457J, Hawaii Revised Statutes, is
14	amended by	y adding a new section to be appropriately designated
15	and to rea	ad as follows:
16	" <u>§</u> 45'	7J- Revocation of license or denial of application
17	to renew,	restore, or reinstate a license based on conviction
18	requiring	registration as a sex offender; conditions. (a)
19	Notwithsta	anding any law to the contrary, the director shall
20	automatica	ally revoke a license or deny an application to renew,





1	<u>restore</u> ,	or reinstate a license under either of the following
2	circumsta	nces:
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 chapter 846E, regardless of
11		whether the related conviction has been appealed.
12	(b)	The director shall notify the licensee of the license
13	revocatio	n or denial of application to renew, restore, or
14	reinstate	the license and of the right to elect to have a
15	hearing a	s provided in subsection (c).
16	<u>(c)</u>	Upon revocation of the license or denial of an
17	applicati	on to renew, restore, or reinstate, the licensee may
18	file a wr	itten request for a hearing with the director within
19	ten days	of the notice. The hearing shall be held within thirty
20	days of t	he revocation or denial. The proceeding shall be
21	conducted	in accordance with chapter 91.





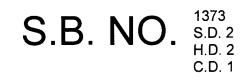
1	(d) For the purposes of enforcement of this section, a		
2	plea or verdict of guilty, or a conviction after a plea of nolo		
3	contendere, shall be deemed a conviction. The record of		
4	conviction shall be conclusive evidence of the fact that the		
5	conviction occurred.		
6	(e) If the related conviction 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 director 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 director 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 chapter 846E, regardless of		
19	whether the conviction has been appealed; and		
20	(2) The person engaged in the offense with a patient or		
21	client, or with a former patient or client if the		



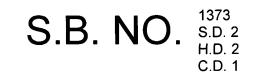
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1	relationship was terminated primarily for the purpose
2	of committing the offense."
3	SECTION 20. Chapter 458, Hawaii Revised Statutes, is
4	amended by adding a new section to be appropriately designated
5	and to read as follows:
6	" <u>§458-</u> Revocation of license or denial of application to
7	renew, restore, or reinstate a license based on conviction
8	requiring registration as a sex offender; conditions. (a)
9	Notwithstanding any law to the contrary, the director of
10	commerce and consumer affairs shall automatically revoke a
11	license or deny an application to renew, restore, or reinstate a
12	license under either of the following circumstances:
13	(1) The licensee has been convicted in any court in or
14	outside of this State of any offense that, if
15	committed or attempted in this State, based on the
16	elements of the convicted offense, would have been
17	punishable as one or more of the offenses described in
18	chapter 846E; or
19	(2) The licensee has been required to register as a sex
20	offender pursuant to chapter 846E, regardless of
21	whether the related conviction has been appealed.





1	(b) The director of commerce and consumer affairs shall
2	notify the licensee of the license revocation or denial of
3	application to renew, restore, or reinstate the license and of
4	the right to elect to have a hearing as provided in subsection
5	<u>(c).</u>
6	(c) Upon revocation of the license or denial of an
7	application to renew, restore, or reinstate, the licensee may
8	file a written request for a hearing with the director of
9	commerce and consumer affairs within ten days of the notice.
10	The hearing shall be held within thirty days of the revocation
11	or denial. The proceeding shall be conducted in accordance with
12	<u>chapter 91.</u>
13	(d) For the purposes of enforcement of this section, a
14	plea or verdict of guilty, or a conviction after a plea of nolo
15	contendere, shall be deemed a conviction. The record of
16	conviction shall be conclusive evidence of the fact that the
17	conviction occurred.
18	(e) If the related conviction of the license holder is
19	overturned upon appeal, the revocation or denial ordered
20	pursuant to this section shall automatically cease. Nothing in
21	this subsection shall prohibit the director of commerce and



1	consumer affairs from pursuing disciplinary action based on any
2	cause other than the overturned conviction.
3	(f) Any final order of discipline taken pursuant to this
4	section shall be a matter of public record.
5	(g) The director of commerce and consumer affairs shall
6	not restore, renew, or otherwise reinstate the license of a
7	person under any of the following circumstances:
8	(1) The person has been required to register as a sex
9	offender pursuant to chapter 846E, regardless of
10	whether the conviction has been appealed; and
11	(2) The person engaged in the offense with a patient or
12	client, or with a former patient or client if the
13	relationship was terminated primarily for the purpose
14	of committing the offense."
15	SECTION 21. Chapter 459, Hawaii Revised Statutes, is
16	amended by adding a new section to be appropriately designated
17	and to read as follows:
18	"§459- Revocation of license or denial of application to
19	renew, restore, or reinstate a license based on conviction
20	requiring registration as a sex offender; conditions. (a)
21	Notwithstanding any law to the contrary, the board shall





1	<u>automatic</u>	ally revoke a license or deny an application to renew,
2	<u>restore,</u>	or reinstate a license under either of the following
3	<u>circumsta</u>	nces:
4	(1)	The licensee has been convicted in any court in or
5		outside of this State of any offense that, if
6		committed or attempted in this State, based on the
7		elements of the convicted offense, would have been
8		punishable as one or more of the offenses described in
9		chapter 846E; or
10	(2)	The licensee has been required to register as a sex
11		offender pursuant to chapter 846E, regardless of
12		whether the related conviction has been appealed.
13	<u>(b)</u>	The board shall notify the licensee of the license
14	revocatio	n or denial of application to renew, restore, or
15	reinstate	the license and of the right to elect to have a
16	hearing a	s provided in subsection (c).
17	(c)	Upon revocation of the license or denial of an
18	applicati	on to renew, restore, or reinstate, the licensee may
19	file a wr	itten request for a hearing with the board within ten
20	days of t	he notice. The hearing shall be held within thirty

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1	days of the revocation or denial. The proceeding shall be
2	conducted in accordance with chapter 91.
3	(d) For the purposes of enforcement of this section, a
4	plea or verdict of guilty, or a conviction after a plea of nolo
5	contendere, shall be deemed a conviction. The record of
6	conviction shall be conclusive evidence of the fact that the
7	conviction occurred.
8	(e) If the related conviction of the license holder is
9	overturned upon appeal, the revocation or denial ordered
10	pursuant to this section shall automatically cease. Nothing in
11	this subsection shall prohibit the board from pursuing
12	disciplinary action based on any cause other than the overturned
13	conviction.
14	(f) Any final order of discipline taken pursuant to this
15	section shall be a matter of public record.
16	(g) The board shall not restore, renew, or otherwise
17	reinstate the license of a person under any of the following
18	circumstances:
19	(1) The person has been required to register as a sex
20	offender pursuant to chapter 846E, regardless of
21	whether the conviction has been appealed; and



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1	(2) The person engaged in the offense with a patient or
2	client, or with a former patient or client if the
3	relationship was terminated primarily for the purpose
4	of committing the offense."
5	SECTION 22. Chapter 461, Hawaii Revised Statutes, is
6	amended by adding a new section to be appropriately designated
7	and to read as follows:
8	"§461- Revocation of license or denial of application to
9	renew, restore, or reinstate a license based on conviction
10	requiring registration as a sex offender; conditions. (a)
11	Notwithstanding any law to the contrary, the board shall
12	automatically revoke a license or deny an application to renew,
13	restore, or reinstate a license under either of the following
14	circumstances:
15	(1) The licensee has been convicted in any court in or
16	outside of this State of any offense that, if
17	committed or attempted in this State, based on the
18	elements of the convicted offense, would have been
19	punishable as one or more of the offenses described in
20	chapter 846E; or

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1	(2) The licensee has been required to register as a sex
2	offender pursuant to chapter 846E, regardless of
3	whether the related conviction has been appealed.
4	(b) The board shall notify the licensee of the license
5	revocation or denial of application to renew, restore, or
6	reinstate the license and of the right to elect to have a
7	hearing as provided in subsection (c).
8	(c) Upon revocation of the license or denial of an
9	application to renew, restore, or reinstate, the licensee may
10	file a written request for a hearing with the board within ten
11	days of the notice. The hearing shall be held within thirty
12	days of the revocation or denial. The proceeding shall be
13	conducted in accordance with chapter 91.
14	(d) For the purposes of enforcement of this section, a
15	plea or verdict of guilty, or a conviction after a plea of nolo
16	contendere, shall be deemed a conviction. The record of
17	conviction shall be conclusive evidence of the fact that the
18	conviction occurred.
19	(e) If the related conviction of the license holder is
20	overturned upon appeal, the revocation or denial ordered
21	pursuant to this section shall automatically cease. Nothing in





2 disciplinary action based on any cause other than the overtu 3 conviction. 4 (f) Any final order of discipline taken pursuant to th 5 section shall be a matter of public record. 6 (g) The board shall not restore, renew, or otherwise 7 reinstate the license of a person under any of the following 8 circumstances: 9 (1) The person has been required to register as a sex
<ul> <li>4 (f) Any final order of discipline taken pursuant to th</li> <li>5 section shall be a matter of public record.</li> <li>6 (g) The board shall not restore, renew, or otherwise</li> <li>7 reinstate the license of a person under any of the following</li> <li>8 circumstances:</li> </ul>
<pre>5 section shall be a matter of public record. 6 (g) The board shall not restore, renew, or otherwise 7 reinstate the license of a person under any of the following 8 circumstances:</pre>
<ul> <li>6 (g) The board shall not restore, renew, or otherwise</li> <li>7 reinstate the license of a person under any of the following</li> <li>8 circumstances:</li> </ul>
<pre>7 reinstate the license of a person under any of the following 8 circumstances:</pre>
8 <u>circumstances:</u>
0 (1) The person has been required to register as a con-
9 (1) The person has been required to register as a sex
10 offender pursuant to chapter 846E, regardless of
11 whether the conviction has been appealed; and
12 (2) The person engaged in the offense with a patient o
13 client, or with a former patient or client if the
14 relationship was terminated primarily for the purp
15 of committing the offense."
16 SECTION 23. Chapter 461J, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designate
<pre>18 and to read as follows:</pre>
19 " <u>§461J-</u> Revocation of license or denial of application
20 to renew, restore, or reinstate a license based on conviction
<b>21</b> requiring registration as a sex offender; conditions. (a)



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1	Notwithst	anding any law to the contrary, the board shall
2	automatic	ally revoke a license or deny an application to renew,
3	restore,	or reinstate a license under either of the following
4	circumsta	nces:
5	(1)	The licensee has been convicted in any court in or
6		outside of this State of any offense that, if
7		committed or attempted in this State, based on the
8		elements of the convicted offense, would have been
9		punishable as one or more of the offenses described in
10		chapter 846E; or
11	(2)	The licensee has been required to register as a sex
12		offender pursuant to chapter 846E, regardless of
13		whether the related conviction has been appealed.
14	<u>(b)</u>	The board shall notify the licensee of the license
15	revocation	n or denial of application to renew, restore, or
16	reinstate	the license and of the right to elect to have a
17	hearing a	s provided in subsection (c).
18	(C)	Upon revocation of the license or denial of an
19	applicatio	on to renew, restore, or reinstate, the licensee may
20	file a wr	itten request for a hearing with the board within ten
21	days of tl	ne notice. The hearing shall be held within thirty



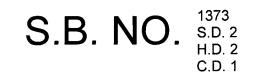


1	days of the revocation or denial. The proceeding shall be
2	conducted in accordance with chapter 91.
3	(d) For the purposes of enforcement of this section, a
4	plea or verdict of guilty, or a conviction after a plea of nolo
5	contendere, shall be deemed a conviction. The record of
6	conviction shall be conclusive evidence of the fact that the
7	conviction occurred.
8	(e) If the related conviction of the license holder is
9	overturned upon appeal, the revocation or denial ordered
10	pursuant to this section shall automatically cease. Nothing in
11	this subsection shall prohibit the board from pursuing
12	disciplinary action based on any cause other than the overturned
13	conviction.
14	(f) Any final order of discipline taken pursuant to this
15	section shall be a matter of public record.
16	(g) The board shall not restore, renew, or otherwise
17	reinstate the license of a person under any of the following
18	circumstances:
19	(1) The person has been required to register as a sex
20	offender pursuant to chapter 846E, regardless of
21	whether the conviction has been appealed; and

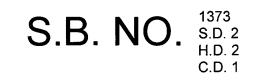




1	(2) The person engaged in the offense with a patient or
2	client, or with a former patient or client if the
3	relationship was terminated primarily for the purpose
4	of committing the offense."
5	SECTION 24. Chapter 463E, Hawaii Revised Statutes, is
6	amended by adding a new section to be appropriately designated
7	and to read as follows:
8	"§463E- Revocation of license or denial of application
9	to renew, restore, or reinstate a license based on conviction
10	requiring registration as a sex offender; conditions. (a)
11	Notwithstanding any law to the contrary, the board shall
12	automatically revoke a license or deny an application to renew,
13	restore, or reinstate a license under either of the following
14	circumstances:
15	(1) The licensee has been convicted in any court in or
16	outside of this State of any offense that, if
17	committed or attempted in this State, based on the
18	elements of the convicted offense, would have been
19	punishable as one or more of the offenses described in
20	chapter 846E; or



1	(2) The licensee has been required to register as a sex
2	offender pursuant to chapter 846E, regardless of
3	whether the related conviction has been appealed.
4	(b) The board shall notify the licensee of the license
5	revocation or denial of application to renew, restore, or
6	reinstate the license and of the right to elect to have a
7	hearing as provided in subsection (c).
8	(c) Upon revocation of the license or denial of an
9	application to renew, restore, or reinstate, the licensee may
10	file a written request for a hearing with the board within ten
11	days of the notice. The hearing shall be held within thirty
12	days of the revocation or denial. The proceeding shall be
13	conducted in accordance with chapter 91.
14	(d) For the purposes of enforcement of this section, a
15	plea or verdict of guilty, or a conviction after a plea of nolo
16	contendere, shall be deemed a conviction. The record of
17	conviction shall be conclusive evidence of the fact that the
18	conviction occurred.
19	(e) If the related conviction of the license holder is
20	overturned upon appeal, the revocation or denial ordered
21	pursuant to this section shall automatically cease. Nothing in



1	this subsection shall prohibit the board from pursuing
2	disciplinary action based on any cause other than the overturned
3	conviction.
4	(f) Any final order of discipline taken pursuant to this
5	section shall be a matter of public record.
6	(g) The board shall not restore, renew, or otherwise
7	reinstate the license of a person under any of the following
8	circumstances:
9	(1) The person has been required to register as a sex
10	offender pursuant to chapter 846E, regardless of
11	whether the conviction has been appealed; and
12	(2) The person engaged in the offense with a patient or
13	client, or with a former patient or client if the
14	relationship was terminated primarily for the purpose
15	of committing the offense."
16	SECTION 25. Chapter 465, Hawaii Revised Statutes, is
17	amended by adding a new section to be appropriately designated
18	and to read as follows:
19	"§465- Revocation of license or denial of application to
20	renew, restore, or reinstate a license based on conviction
21	requiring registration as a sex offender; conditions. (a)



1	Notwithst	anding any law to the contrary, the board shall
2	automatic	ally revoke a license or deny an application to renew,
3	<u>restore,</u>	or reinstate a license under either of the following
4	<u>circumsta</u>	nces:
5	(1)	The licensee has been convicted in any court in or
6		outside of this State of any offense that, if
7		committed or attempted in this State, based on the
8		elements of the convicted offense, would have been
9		punishable as one or more of the offenses described in
10		chapter 846E; or
11	(2)	The licensee has been required to register as a sex
12		offender pursuant to chapter 846E, regardless of
13		whether the related conviction has been appealed.
14	(b)	The board shall notify the licensee of the license
15	revocatio	n or denial of application to renew, restore, or
16	reinstate	the license and of the right to elect to have a
17	hearing a	s provided in subsection (c).
18	<u>(c)</u>	Upon revocation of the license or denial of an
19	applicati	on to renew, restore, or reinstate, the licensee may
20	file a wr	itten request for a hearing with the board within ten
21	<u>days of t</u>	he notice. The hearing shall be held within thirty



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1	days of the revocation or denial. The proceeding shall be
2	conducted in accordance with chapter 91.
3	(d) For the purposes of enforcement of this section, a
4	plea or verdict of guilty or a conviction after a plea of nolo
5	contendere, shall be deemed a conviction. The record of
6	conviction shall be conclusive evidence of the fact that the
7	conviction occurred.
8	(e) If the related conviction of the license holder is
9	overturned upon appeal, the revocation or denial ordered
10	pursuant to this section shall automatically cease. Nothing in
11	this subsection shall prohibit the board from pursuing
12	disciplinary action based on any cause other than the overturned
13	conviction.
14	(f) Any final order of discipline taken pursuant to this
15	section shall be a matter of public record.
16	(g) The board shall not restore, renew, or otherwise
17	reinstate the license of a person under any of the following
18	circumstances:
19	(1) The person has been required to register as a sex
20	offender pursuant to chapter 846E, regardless of
21	whether the conviction has been appealed; and



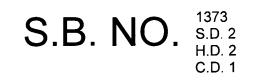


1	(2) The person engaged in the offense with a patient or
2	client, or with a former patient or client if the
3	relationship was terminated primarily for the purpose
4	of committing the offense."
5	SECTION 26. Chapter 465D, Hawaii Revised Statutes, is
6	amended by adding a new section to be appropriately designated
7	and to read as follows:
8	"§465D- Revocation of license or denial of application
9	to renew, restore, or reinstate a license based on conviction
10	requiring registration as a sex offender; conditions. (a)
11	Notwithstanding any law to the contrary, the director shall
12	automatically revoke a license or deny an application to renew,
13	restore, or reinstate a license under either of the following
14	circumstances:
15	(1) The licensee has been convicted in any court in or
16	outside of this State of any offense that, if
17	committed or attempted in this State, based on the
18	elements of the convicted offense, would have been
19	punishable as one or more of the offenses described in
20	chapter 846E; or



1	(2) The licensee has been required to register as a sex
2	offender pursuant to chapter 846E, regardless of
3	whether the related conviction has been appealed.
4	(b) The director shall notify the licensee of the license
5	revocation or denial of application to renew, restore, or
6	reinstate the license and of the right to elect to have a
7	hearing as provided in subsection (c).
8	(c) Upon revocation of the license or denial of an
9	application to renew, restore, or reinstate, the licensee may
10	file a written request for a hearing with the director within
11	ten days of the notice. The hearing shall be held within thirty
12	days of the revocation or denial. The proceeding shall be
13	conducted in accordance with chapter 91.
14	(d) For the purposes of enforcement of this section, a
15	plea or verdict of guilty, or a conviction after a plea of nolo
16	contendere, shall be deemed a conviction. The record of
17	conviction shall be conclusive evidence of the fact that the
18	conviction occurred.
19	(e) If the related conviction of the license holder is
20	overturned upon appeal, the revocation or denial ordered
21	pursuant to this section shall automatically cease. Nothing in





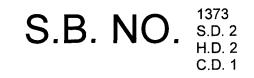
1	this subs	ection shall prohibit the director from pursuing
2	<u>disciplin</u>	ary action based on any cause other than the overturned
3	<u>convictio</u>	<u>n.</u>
4	(f)	Any final order of discipline taken pursuant to this
5	section s	hall be a matter of public record.
6	<u>(g)</u>	The director shall not restore, renew, or otherwise
7	reinstate	the license of a person under any of the following
8	circumsta	nces:
9	(1)	The person has been required to register as a sex
10		offender pursuant to chapter 846E, regardless of
11		whether the conviction has been appealed; and
12	(2)	The person engaged in the offense with a patient or
13		client, or with a former patient or client if the
14		relationship was terminated primarily for the purpose
15		of committing the offense."
16	SECT	ION 27. Chapter 466D, Hawaii Revised Statutes, is
17	amended b	y adding a new section to be appropriately designated
18	and to re	ad as follows:
19	"§ <b>46</b>	6D- Revocation of license or denial of application
20	to renew,	restore, or reinstate a license based on conviction
21		registration as a sex offender; conditions. (a)



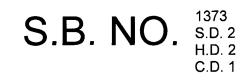


1	Notwithsta	anding any law to the contrary, the director shall
2	automatica	ally revoke a license or deny an application to renew,
3	restore, c	or reinstate a license under either of the following
4	<u>circumstar</u>	nces:
5	(1)	The licensee has been convicted in any court in or
6		outside of this State of any offense that, if
7		committed or attempted in this State, based on the
8		elements of the convicted offense, would have been
9		punishable as one or more of the offenses described in
10		chapter 846E; or
11	(2)	The licensee has been required to register as a sex
12		offender pursuant to chapter 846E, regardless of
13		whether the related conviction has been appealed.
14	(b)	The director shall notify the licensee of the license
15	revocatior	n or denial of application to renew, restore, or
16	reinstate	the license and of the right to elect to have a
17	hearing as	s provided in subsection (c).
18	(c)	Upon revocation of the license or denial of an
19	applicatio	on to renew, restore, or reinstate, the licensee may
20	file a wri	tten request for a hearing with the director within
21	ten days c	of the notice. The hearing shall be held within thirty

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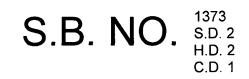


1	days of the revocation or denial. The proceeding shall be
2	conducted in accordance with chapter 91.
3	(d) For the purposes of enforcement of this section, a
4	plea or verdict of guilty, or a conviction after a plea of nolo
5	contendere, shall be deemed a conviction. The record of
6	conviction shall be conclusive evidence of the fact that the
7	conviction occurred.
8	(e) If the related conviction of the license holder is
9	overturned upon appeal, the revocation or denial ordered
10	pursuant to this section shall automatically cease. Nothing in
11	this subsection shall prohibit the director from pursuing
12	disciplinary action based on any cause other than the overturned
13	conviction.
14	(f) Any final order of discipline taken pursuant to this
15	section shall be a matter of public record.
16	(g) The director shall not restore, renew, or otherwise
17	reinstate the license of a person under any of the following
18	circumstances:
19	(1) The person has been required to register as a sex
20	offender pursuant to chapter 846E, regardless of
21	whether the conviction has been appealed; and

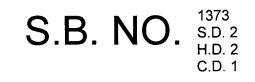


1	(2) The person engaged in the offense with a patient or
2	client, or with a former patient or client if the
3	relationship was terminated primarily for the purpose
4	of committing the offense."
5	SECTION 28. Chapter 467E, Hawaii Revised Statutes, is
6	amended by adding a new section to be appropriately designated
7	and to read as follows:
8	"§467E- Revocation of license or denial of application
9	to renew, restore, or reinstate a license based on conviction
10	requiring registration as a sex offender; conditions. (a)
11	Notwithstanding any law to the contrary, the director shall
12	automatically revoke a license or deny an application to renew,
13	restore, or reinstate a license under either of the following
14	circumstances:
15	(1) The licensee has been convicted in any court in or
16	outside of this State of any offense that, if
17	committed or attempted in this State, based on the
18	elements of the convicted offense, would have been
19	punishable as one or more of the offenses described in
20	chapter 846E; or





1	(2) The licensee has been required to register as a sex
2	offender pursuant to chapter 846E, regardless of
3	whether the related conviction has been appealed.
4	(b) The director shall notify the licensee of the license
5	revocation or denial of application to renew, restore, or
6	reinstate the license and of the right to elect to have a
7	hearing as provided in subsection (c).
8	(c) Upon revocation of the license or denial of an
9	application to renew, restore, or reinstate, the licensee may
10	file a written request for a hearing with the director within
11	ten days of the notice. The hearing shall be held within thirty
12	days of the revocation or denial. The proceeding shall be
13	conducted in accordance with chapter 91.
14	(d) For the purposes of enforcement of this section, a
15	plea or verdict of guilty, or a conviction after a plea of nolo
16	contendere, shall be deemed a conviction. The record of
17	conviction shall be conclusive evidence of the fact that the
18	conviction occurred.
19	(e) If the related conviction of the license holder is
20	overturned upon appeal, the revocation or denial ordered
21	pursuant to this section shall automatically cease. Nothing in



1	this subs	ection shall prohibit the director from pursuing
2	disciplin	ary action based on any cause other than the overturned
3	convictio	n.
4	(f)	Any final order of discipline taken pursuant to this
5	section s	hall be a matter of public record.
6	(g)	The director shall not restore, renew, or otherwise
7	reinstate	the license of a person under any of the following
8	circumsta	nces:
9	(1)	The person has been required to register as a sex
10		offender pursuant to chapter 846E, regardless of
11		whether the conviction has been appealed; and
12	(2)	The person engaged in the offense with a patient or
13		client, or with a former patient or client if the
14		relationship was terminated primarily for the purpose
15		of committing the offense."
16	SECT	ION 29. Chapter 468E, Hawaii Revised Statutes, is
17	amended b	y adding a new section to be appropriately designated
18	and to re	ad as follows:
19	" <u>§</u> 46	8E- Revocation of license or denial of application
20	to renew,	restore, or reinstate a license based on conviction
21	requiring	registration as a sex offender; conditions. (a)



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1	Notwithstanding any law to the contrary, the board shall				
2	automatically revoke a license or deny an application to renew,				
3	restore, or reinstate a license under either of the following				
4	circumstances:				
5	(1)	The licensee has been convicted in any court in or			
6		outside of this State of any offense that, if			
7		committed or attempted in this State, based on the			
8		elements of the convicted offense, would have been			
9		punishable as one or more of the offenses described in			
10		chapter 846E; or			
11	(2)	The licensee has been required to register as a sex			
12		offender pursuant to chapter 846E, regardless of			
13		whether the related conviction has been appealed.			
14	(b)	The board shall notify the licensee of the license			
15	revocatio	n or denial of application to renew, restore, or			
16	reinstate	the license and of the right to elect to have a			
17	hearing a	s provided in subsection (c).			
18	(c)	Upon revocation of the license or denial of an			
19	applicati	on to renew, restore, or reinstate, the licensee may			
20	file a wr	itten request for a hearing with the board within ten			
21	days of t	he notice. The hearing shall be held within thirty			

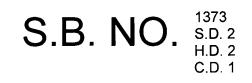




1	days of the revocation or denial. The proceeding shall be			
2	conducted in accordance with chapter 91.			
3	(d) For the purposes of enforcement of this section, a			
4	plea or verdict of guilty, or a conviction after a plea of nolo			
5	contendere, shall be deemed a conviction. The record of			
6	conviction shall be conclusive evidence of the fact that the			
7	conviction occurred.			
8	(e) If the related conviction of the license holder is			
9	overturned upon appeal, the revocation or denial ordered			
10	pursuant to this section shall automatically cease. Nothing in			
11	this subsection shall prohibit the board from pursuing			
12	disciplinary action based on any cause other than the overturned			
13	conviction.			
14	(f) Any final order of discipline taken pursuant to this			
15	section shall be a matter of public record.			
16	(g) The board shall not restore, renew, or otherwise			
17	reinstate the license of a person under any of the following			
18	circumstances:			
19	(1) The person has been required to register as a sex			
20	offender pursuant to chapter 846E, regardless of			
21	whether the conviction has been appealed; and			



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1	(2)	The per	son engaged in the offense with a patient or
2		<u>client,</u>	or with a former patient or client if the
3		relatio	nship was terminated primarily for the purpose
4		of comm	itting the offense."
5	SECT	ION 30.	This Act does not affect rights and duties
6	that matu	red, pen	alties that were incurred, and proceedings that
7	were begu	n before	its effective date.
8	SECT	ION 31.	New statutory material is underscored.
9	SECT	ION 32.	This Act shall take effect on July 1, 2025.



#### Report Title:

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

#### 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 or certification of registered sex offenders. (CD1)

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

