
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 an October 2024
2 Civil Beat article highlighted the inability of state licensing
3 boards and agencies to promptly revoke the professional licenses
4 of registered sex offenders. The legislature believes that
5 timely action in cases where certain professional license,
6 registration, or certification holders are registered sex
7 offenders is a vital aspect of consumer protection. Delayed
8 action in revoking a license, registration, or certification and
9 preventing further practice by a registered sex offender places
10 consumers at unnecessary risk.

11 Accordingly, the purpose of this Act is to:

12 (1) Require the board of acupuncture, athletic trainer
13 program, board of barbering and cosmetology, Hawaii
14 board of chiropractic, board of dentistry,
15 electrologist program, hearing aid dealer and fitter
16 program, marriage and family therapist licensing



1 program, state board of massage therapy, Hawaii
2 medical board, mental health counselors licensing
3 program, state board of naturopathic medicine, state
4 board of nursing, nurse aide program, nursing home
5 administrator program, occupational therapy program,
6 midwives licensing program, dispensing opticians
7 program, board of optometry, board of pharmacy, board
8 of physical therapy, board of psychology, behavior
9 analyst program, respiratory therapist program, social
10 worker licensing program, and state board of speech
11 pathology and audiology to automatically revoke and
12 deny the renewal, restoration, or reinstatement of a
13 license, registration, or certification to a person
14 who is a registered sex offender;

15 (2) Establish conditions for the disciplinary action; and

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

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



1 "§436E- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the board shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

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

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

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

20 (c) Upon revocation of the license or denial of an
21 application to renew, restore, or reinstate, the licensee may



1 file a written request for a hearing with the board within ten
2 days of the notice. The hearing shall be held within thirty
3 days of the revocation or denial. The proceeding shall be
4 conducted in accordance with chapter 91.

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

10 (e) If the related conviction of the licensee is
11 overturned upon appeal, the revocation or denial ordered
12 pursuant to this section shall automatically cease. Nothing in
13 this subsection shall prohibit the board from pursuing
14 disciplinary action based on any cause other than the overturned
15 conviction.

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

18 (g) The board shall not restore, renew, or otherwise
19 reinstate the license of a person when:

20 (1) The person has been required to register as a sex
21 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
2 appealed; and

3 (2) The victim of the covered offense was a patient or
4 client, or a former patient or client, if the
5 relationship was terminated primarily for the purpose
6 of committing the covered offense."

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

10 **"§436H- Revocation of registration or denial of**
11 **application to renew, restore, or reinstate a registration based**
12 **on conviction as a registered sex offender; conditions. (a)**
13 Notwithstanding any law to the contrary, the director shall
14 automatically revoke a registration or deny an application to
15 renew, restore, or reinstate a registration under either of the
16 following circumstances:

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



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

5 (b) The director shall notify the registrant of the
6 registration revocation or denial of application to renew,
7 restore, or reinstate the registration and of the right to elect
8 to have a hearing as provided in subsection (c).

9 (c) Upon revocation of the registration or denial of an
10 application to renew, restore, or reinstate, the registrant may
11 file a written request for a hearing with the director within
12 ten days of the notice. The hearing shall be held within thirty
13 days of the revocation or denial. The proceeding shall be
14 conducted in accordance with chapter 91.

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

20 (e) If the related conviction of the registrant is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the director from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

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

7 (g) The director shall not restore, renew, or otherwise
8 reinstate the registration of a person when:

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

13 (2) The victim of the covered offense was a patient or
14 client, or a former patient or client, if the
15 relationship was terminated primarily for the purpose
16 of committing the covered offense."

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

20 **"§439A- Revocation of license or denial of application**
21 **to renew, restore, or reinstate a license based on conviction as**



1 a registered sex offender; conditions. (a) Notwithstanding any
2 law to the contrary, the board shall automatically revoke a
3 license or deny an application to renew, restore, or reinstate a
4 license under either of the following circumstances:

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

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

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

18 (c) Upon revocation of the license or denial of an
19 application to renew, restore, or reinstate, the licensee may
20 file a written request for a hearing with the board within ten
21 days of the 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 licensee 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 when:

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



1 (2) The victim of the covered offense was a patient or
2 client, or a former patient or client, if the
3 relationship was terminated primarily for the purpose
4 of committing the covered offense."

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

8 **"§442- Revocation of license or denial of application**
9 **to renew, restore, or reinstate a license based on conviction as**
10 **a registered sex offender; conditions.** (a) Notwithstanding any
11 law to the contrary, the board shall automatically revoke a
12 license or deny an application to renew, restore, or reinstate a
13 license under either of the following circumstances:

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

19 (2) The licensee is required to register as a sex offender
20 pursuant to the requirements of chapter 846E,



1 regardless of whether the related conviction has been
2 appealed.

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

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

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 licensee 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 board from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

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

5 (g) The board shall not restore, renew, or otherwise
6 reinstate the license of a person when:

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

11 (2) The victim of the covered offense was a patient or
12 client, or a former patient or client, if the
13 relationship was terminated primarily for the purpose
14 of committing the covered offense."

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

18 **"§447- Revocation of license or denial of application**
19 **to renew, restore, or reinstate a license based on conviction as**
20 **a registered sex offender; conditions.** (a) Notwithstanding any
21 law to the contrary, the board of dentistry shall automatically



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

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

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

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

16 (c) Upon revocation of the license or denial of an
17 application to renew, restore, or reinstate, the licensee may
18 file a written request for a hearing with the board of dentistry
19 within ten days of the notice. The hearing shall be held within
20 thirty days of the revocation or denial. The proceeding shall
21 be 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 licensee 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 of dentistry from
10 pursuing disciplinary action based on any cause other than the
11 overturned 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 of dentistry shall not restore, renew, or
15 otherwise reinstate the license of a person when:

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

20 (2) The victim of the covered offense was a patient or
21 client, or a former patient or client, if the



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

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

6 **"§448- 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 board 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 is convicted in any court in or outside
13 of this State of any offense that, if committed or
14 attempted in this State, based on the elements of the
15 convicted offense, would have been punishable as one
16 or more of the offenses described in chapter 846E; or

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



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 when:

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

9 (2) The victim of the covered offense was a patient or
10 client, or a former patient or client, if the
11 relationship was terminated primarily for the purpose
12 of committing the covered offense."

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

16 **"§448F- Revocation of license or denial of application**
17 **to renew, restore, or reinstate a license based on conviction as**
18 **a registered sex offender; conditions.** (a) Notwithstanding any
19 law to the contrary, the director shall automatically revoke a
20 license or deny an application to renew, restore, or reinstate a
21 license under either of the following circumstances:



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

6 (2) The licensee is required to register as a sex offender
7 pursuant to the provisions of chapter 846E, regardless
8 of whether the related conviction has been 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 director within
16 ten days of the notice. The hearing shall be held within thirty
17 days of the revocation or denial. The proceeding shall be
18 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



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

3 (e) If the related conviction of the licensee 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 director 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 when:

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

17 (2) The victim of the covered offense was a patient or
18 client, or a former patient or client, if the
19 relationship was terminated primarily for the purpose
20 of committing the covered offense."



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



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

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

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

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

20 (g) The director shall not restore, renew, or otherwise
21 reinstate the license of a person when:



(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 victim of the covered offense was a patient or client, or a former patient or client, if the relationship was terminated primarily for the purpose of committing the covered offense."

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

"§451J- 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 is 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



1 convicted offense, would have been punishable as one
2 or more of the offenses described in chapter 846E; or

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

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

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

16 (d) For the purposes of enforcement of this section, a
17 plea or verdict of guilty, or a conviction after a plea of nolo
18 contendere, shall be deemed a conviction. The record of
19 conviction shall be conclusive evidence of the fact that the
20 conviction occurred.



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

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

9 (g) The director shall not restore, renew, or otherwise
10 reinstate the license of a person when:

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

15 (2) The victim of the covered offense was a patient or
16 client, or a former patient or client, if the
17 relationship was terminated primarily for the purpose
18 of committing the covered offense."

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



1 "§452- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the board shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

7 (1) The licensee is convicted in any court in or outside
8 of this State of any offense that, if committed or
9 attempted in this State, based on the elements of the
10 convicted offense, would have been punishable as one

11 or more of the offenses described in chapter 846E; or
12 (2) The licensee is required to register as a sex offender
13 pursuant to the requirements of chapter 846E,
14 regardless of whether the related conviction has been
15 appealed.

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

20 (c) Upon revocation of the license or denial of an
21 application to renew, restore, or reinstate, the licensee may



1 file a written request for a hearing with the board within ten
2 days of the notice. The hearing shall be held within thirty
3 days of the revocation or denial. The proceeding shall be
4 conducted in accordance with chapter 91.

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

10 (e) If the related conviction of the licensee is
11 overturned upon appeal, the revocation or denial ordered
12 pursuant to this section shall automatically cease. Nothing in
13 this subsection shall prohibit the board from pursuing
14 disciplinary action based on any cause other than the overturned
15 conviction.

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

18 (g) The board shall not restore, renew, or otherwise
19 reinstate the license of a person when:

20 (1) The person has been required to register as a sex
21 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
2 appealed; and

3 (2) The victim of the covered offense was a patient or
4 client, or a former patient or client, if the
5 relationship was terminated primarily for the purpose
6 of committing the covered offense."

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

10 **"§453- Revocation of license or denial of application**
11 **to renew, restore, or reinstate a license based on conviction as**
12 **a registered sex offender; conditions.** (a) Notwithstanding any
13 law to the contrary, the board shall automatically revoke a
14 license or deny an application to renew, restore, or reinstate a
15 license under either of the following circumstances:

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



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

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

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

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

20 (e) If the related conviction of the licensee is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the board from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

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

7 (g) The board shall not restore, renew, or otherwise
8 reinstate the license of a person when:

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

13 (2) The victim of the covered offense was a patient or
14 client, or a former patient or client, if the
15 relationship was terminated primarily for the purpose
16 of committing the covered offense."

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

20 "§453D- Revocation of license or denial of application
21 to renew, restore, or reinstate a license based on conviction as



1 a registered sex offender; conditions. (a) Notwithstanding any
2 law to the contrary, the director shall automatically revoke a
3 license or deny an application to renew, restore, or reinstate a
4 license under either of the following circumstances:

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

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

13 (b) The director 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 director within
20 ten days of the 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 licensee 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 when:

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



(2) The victim of the covered offense was a patient or client, or a former patient or client, if the relationship was terminated primarily for the purpose of committing the covered 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 is 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 is required to register as a sex offender pursuant to the requirements of chapter 846E,



1 regardless of whether the related conviction has been
2 appealed.

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

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

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 licensee 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 board from pursuing



1 disciplinary action based on any cause other than the overturned
2 conviction.

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

5 (g) The board shall not restore, renew, or otherwise
6 reinstate the license of a person when:

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

11 (2) The victim of the covered offense was a patient or
12 client, or a former patient or client, if the
13 relationship was terminated primarily for the purpose
14 of committing the covered offense."

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

18 **"§457- Revocation of license or denial of application**
19 **to renew, restore, or reinstate a license based on conviction as**
20 **a registered sex offender; conditions.** (a) Notwithstanding any
21 law to the contrary, the board shall automatically revoke a



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

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

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

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

16 (c) Upon revocation of the license or denial of an
17 application to renew, restore, or reinstate, the licensee may
18 file a written request for a hearing with the board within ten
19 days of the notice. The hearing shall be held within thirty
20 days of the 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 licensee 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 when:

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

20 (2) The victim of the covered offense was a patient or
21 client, or a former patient or client, if the



1 relationship was terminated primarily for the purpose
2 of committing the covered 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 based on conviction as a registered sex offender; conditions.

9 (a) Notwithstanding any law to the contrary, the director shall
10 automatically revoke a certification or deny an application to
11 renew, restore, or reinstate a certification under either of the
12 following circumstances:

13 (1) The certification holder is convicted in any court in
14 or 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 certification holder is required to register as a
20 sex offender pursuant to the provisions of chapter



1 846E, regardless of whether the related conviction has
2 been appealed.

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

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

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 certification holder
19 is 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 from pursuing



1 disciplinary action based on any cause other than the overturned
2 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 shall not restore, renew, or otherwise
6 reinstate the certification of a person when:

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

11 (2) The victim of the covered offense was a patient or
12 client, or a former patient or client, if the
13 relationship was terminated primarily for the purpose
14 of committing the covered offense."

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

18 **"§457B- Revocation of license or denial of application**
19 **to renew, restore, or reinstate a license based on conviction as**
20 **a registered sex offender; conditions.** (a) Notwithstanding any
21 law to the contrary, the director shall automatically revoke a



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

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

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

11 (b) The director 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 director within
18 ten days of the notice. The hearing shall be held within thirty
19 days of the revocation or denial. The proceeding shall be
20 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 licensee 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 when:

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

20 (2) The victim of the covered offense was a patient or
21 client, or a former patient or client, if the



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

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

6 "§457G- 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 is convicted in any court in or outside
13 of this State of any offense that, if committed or
14 attempted in this State, based on the elements of the
15 convicted offense, would have been punishable as one

16 or more of the offenses described in chapter 846E; or

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

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



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 director within
6 ten days of the notice. The hearing shall be held within thirty
7 days of the revocation or denial. The proceeding shall be
8 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 licensee 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 director 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.



1 (g) The director shall not restore, renew, or otherwise
2 reinstate the license of a person when:

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

7 (2) The victim of the covered offense was a patient or
8 client, or a former patient or client, if the
9 relationship was terminated primarily for the purpose
10 of committing the covered offense."

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

14 **"§457J- Revocation of license or denial of application**
15 **to renew, restore, or reinstate a license based on conviction as**
16 **a registered sex offender; conditions.** (a) Notwithstanding any
17 law to the contrary, the director shall automatically revoke a
18 license or deny an application to renew, restore, or reinstate a
19 license under either of the following circumstances:

20 (1) The licensee is convicted in any court in or outside
21 of this State of any offense that, if committed or



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

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

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

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

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



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

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

9 (g) The director shall not restore, renew, or otherwise
10 reinstate the license of a person when:

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

15 (2) The victim of the covered offense was a patient or
16 client, or a former patient or client, if the
17 relationship was terminated primarily for the purpose
18 of committing the covered offense."

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



1 "§458- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the director of commerce and consumer
5 affairs shall automatically revoke a license or deny an
6 application to renew, restore, or reinstate a license under
7 either of the following circumstances:

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

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

16 (b) The director of commerce and consumer affairs shall
17 notify the licensee of the license revocation or denial of
18 application to renew, restore, or reinstate the license and of
19 the right to elect to have a hearing as provided in subsection

20 (c) .



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

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

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

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



1 (g) The director of commerce and consumer affairs shall
2 not restore, renew, or otherwise reinstate the license of a
3 person when:

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 victim of the covered offense was a patient or
9 client, or a former patient or client, if the
10 relationship was terminated primarily for the purpose
11 of committing the covered offense."

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

15 "**§459- 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:



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

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

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

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

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



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 licensee 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 when:

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 victim of the covered offense was a patient or
19 client, or a former patient or client, if the
20 relationship was terminated primarily for the purpose
21 of committing the covered offense."



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

"§461- 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 is 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 is 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



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 board within ten
6 days of the notice. The hearing shall be held within thirty
7 days of the revocation or denial. The proceeding shall be
8 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 licensee 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.



1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person when:

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

7 (2) The victim of the covered offense was a patient or
8 client, or a former patient or client, if the
9 relationship was terminated primarily for the purpose
10 of committing the covered offense."

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

14 **"§461J- Revocation of license or denial of application**
15 **to renew, restore, or reinstate a license based on conviction as**
16 **a registered sex offender; conditions.** (a) Notwithstanding any
17 law to the contrary, the board shall automatically revoke a
18 license or deny an application to renew, restore, or reinstate a
19 license under either of the following circumstances:

20 (1) The licensee is convicted in any court in or outside
21 of this State of any offense that, if committed or



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

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

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

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

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



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

3 (e) If the related conviction of the licensee 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 when:

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

17 (2) The victim of the covered offense was a patient or
18 client, or a former patient or client, if the
19 relationship was terminated primarily for the purpose
20 of committing the covered offense."



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

"§463E- 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 is 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 is 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



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 board within ten
6 days of the notice. The hearing shall be held within thirty
7 days of the revocation or denial. The proceeding shall be
8 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 licensee 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.



1 (g) The board shall not restore, renew, or otherwise
2 reinstate the license of a person when:

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

7 (2) The victim of the covered offense was a patient or
8 client, or a former patient or client, if the
9 relationship was terminated primarily for the purpose
10 of committing the covered offense."

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

14 **"§465- Revocation of license or denial of application**
15 **to renew, restore, or reinstate a license based on conviction as**
16 **a registered sex offender; conditions.** (a) Notwithstanding any
17 law to the contrary, the board shall automatically revoke a
18 license or deny an application to renew, restore, or reinstate a
19 license under either of the following circumstances:

20 (1) The licensee is convicted in any court in or outside
21 of this State of any offense that, if committed or



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

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

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

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

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



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

3 (e) If the related conviction of the licensee 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 when:

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

17 (2) The victim of the covered offense was a patient or
18 client, or a former patient or client, if the
19 relationship was terminated primarily for the purpose
20 of committing the covered 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 is 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 is 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 reinstate the license and of the right to elect to have a hearing as provided in subsection (c).



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

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

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

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

20 (g) The director shall not restore, renew, or otherwise
21 reinstate the license of a person when:



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

5 (2) The victim of the covered offense was a patient or
6 client, or a former patient or client, if the
7 relationship was terminated primarily for the purpose
8 of committing the covered offense."

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

12 **"§466D- Revocation of license or denial of application**
13 **to renew, restore, or reinstate a license based on conviction as**
14 **a registered sex offender; conditions.** (a) Notwithstanding any
15 law to the contrary, the director shall automatically revoke a
16 license or deny an application to renew, restore, or reinstate a
17 license under either of the following circumstances:

18 (1) The licensee is convicted in any court in or outside
19 of this State of any offense that, if committed or
20 attempted in this State, based on the elements of the



1 convicted offense, would have been punishable as one
2 or more of the offenses described in chapter 846E; or

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

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

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

16 (d) For the purposes of enforcement of this section, a
17 plea or verdict of guilty, or a conviction after a plea of nolo
18 contendere, shall be deemed a conviction. The record of
19 conviction shall be conclusive evidence of the fact that the
20 conviction occurred.



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

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

9 (g) The director shall not restore, renew, or otherwise
10 reinstate the license of a person when:

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

15 (2) The victim of the covered offense was a patient or
16 client, or a former patient or client, if the
17 relationship was terminated primarily for the purpose
18 of committing the covered offense."

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



1 "§467E- Revocation of license or denial of application
2 to renew, restore, or reinstate a license based on conviction as
3 a registered sex offender; conditions. (a) Notwithstanding any
4 law to the contrary, the director shall automatically revoke a
5 license or deny an application to renew, restore, or reinstate a
6 license under either of the following circumstances:

7 (1) The licensee is convicted in any court in or outside
8 of this State of any offense that, if committed or
9 attempted in this State, based on the elements of the
10 convicted offense, would have been punishable as one

11 or more of the offenses described in chapter 846E; or

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

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

19 (c) Upon revocation of the license or denial of an
20 application to renew, restore, or reinstate, the licensee may
21 file a written request for a hearing with the director within



1 ten days of the notice. The hearing shall be held within thirty
2 days of the revocation or denial. The proceeding shall be
3 conducted in accordance with chapter 91.

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

9 (e) If the related conviction of the licensee is
10 overturned upon appeal, the revocation or denial ordered
11 pursuant to this section shall automatically cease. Nothing in
12 this subsection shall prohibit the director from pursuing
13 disciplinary action based on any cause other than the overturned
14 conviction.

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

17 (g) The director shall not restore, renew, or otherwise
18 reinstate the license of a person when:

19 (1) The person has been required to register as a sex
20 offender pursuant to the requirements of chapter 846E,



1 regardless of whether the conviction has been
2 appealed; and

3 (2) The victim of the covered offense was a patient or
4 client, or a former patient or client, if the
5 relationship was terminated primarily for the purpose
6 of committing the covered offense."

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

10 **"§468E- Revocation of license or denial of application**
11 **to renew, restore, or reinstate a license based on conviction as**
12 **a registered sex offender; conditions.** (a) Notwithstanding any
13 law to the contrary, the board shall automatically revoke a
14 license or deny an application to renew, restore, or reinstate a
15 license under either of the following circumstances:

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



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

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

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

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

20 (e) If the related conviction of the licensee is
21 overturned upon appeal, the revocation or denial ordered



1 pursuant to this section shall automatically cease. Nothing in
2 this subsection shall prohibit the board from pursuing
3 disciplinary action based on any cause other than the overturned
4 conviction.

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

7 (g) The board shall not restore, renew, or otherwise
8 reinstate the license of a person when:

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

13 (2) The victim of the covered offense was a patient or
14 client, or a former patient or client, if the
15 relationship was terminated primarily for the purpose
16 of committing the covered offense."

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

20 SECTION 31. New statutory material is underscored.



1 SECTION 32. This Act shall take effect on July 1, 3000.



Report Title:

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

Description:

Requires the Director of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses, registrations, or certifications of registered sex offenders. Effective 7/1/3000. (HD1)

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

