
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, certification, or permit holders are registered
7 sex offenders is a vital aspect of consumer protection. Delayed
8 action in revoking a license, registration, certification, or
9 permit and preventing further practice by a registered sex
10 offender places 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 issuance, renewal, restoration, or
13 reinstatement of a license, registration,
14 certification, or permit to a person who is a
15 registered sex offender;

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

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

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



1 "§436E- Revocation of license or permit or denial of
2 application to issue, renew, restore, or reinstate a license or
3 permit based on conviction as a registered sex offender;
4 conditions. (a) Notwithstanding any law to the contrary, the
5 board shall automatically revoke a license or permit or deny an
6 application to issue, renew, restore, or reinstate a license or
7 permit under either of the following circumstances:
8 (1) The person is convicted in any court in or outside of
9 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 sexual offenses described in chapter
13 846E; or
14 (2) The person is required to register as a sex offender
15 pursuant to chapter 846E, regardless of whether the
16 related conviction has been appealed.
17 (b) The board shall notify the person of the license or
18 permit revocation or denial of application to issue, renew,
19 restore, or reinstate the license or permit and of the right to
20 elect to have a hearing as provided in subsection (c).



1 (c) Upon revocation of the license or permit or denial of
2 an application to issue, renew, restore, or reinstate the
3 license or permit, the person may file a written request for a
4 hearing with the board within ten days of the notice. The
5 hearing shall be held within thirty days of the revocation or
6 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 person is overturned
14 upon appeal, the revocation or denial ordered pursuant to this
15 section shall automatically cease. Nothing in this subsection
16 shall prohibit the board from pursuing disciplinary action based
17 on any cause other than the overturned conviction.

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

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



- 1 (1) The person has been required to register as a sex
2 offender pursuant to chapter 846E, regardless of
3 whether the conviction has been appealed; and
4 (2) The victim of the covered sexual offense was a patient
5 or client, or a former patient or client, if the
6 relationship was terminated primarily for the purpose
7 of committing the covered sexual offense."

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

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

- 18 (1) The person is convicted in any court in or outside of
19 this State of any offense that, if committed or
20 attempted in this State, based on the elements of the
21 convicted offense, would have been punishable as one



1 or more of the sexual offenses described in chapter
2 846E; or

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

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

10 (c) Upon revocation of the registration or denial of an
11 application to issue, renew, restore, or reinstate the
12 registration, the person may file a written request for a
13 hearing with the director within ten days of the notice. The
14 hearing shall be held within thirty days of the revocation or
15 denial. The proceeding shall be conducted in accordance with
16 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 person is overturned
2 upon appeal, the revocation or denial ordered pursuant to this
3 section shall automatically cease. Nothing in this subsection
4 shall prohibit the director from pursuing disciplinary action
5 based on any cause other than the overturned conviction.

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

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

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

13 (2) The victim of the covered sexual offense was a patient
14 or client, or a former patient or client, if the
15 relationship was terminated primarily for the purpose
16 of committing the covered sexual 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 permit or denial of
21 application to issue, renew, restore, or reinstate a license or



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

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

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

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

19 (c) Upon revocation of the license or permit or denial of
20 an application to issue, renew, restore, or reinstate the
21 license or permit, the person may file a written request for a



1 hearing with the board within ten days of the notice. The
2 hearing shall be held within thirty days of the revocation or
3 denial. The proceeding shall be conducted in accordance with
4 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 person is overturned
11 upon appeal, the revocation or denial ordered pursuant to this
12 section shall automatically cease. Nothing in this subsection
13 shall prohibit the board from pursuing disciplinary action based
14 on any cause other than the overturned conviction.

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

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

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 victim of the covered sexual offense was a patient
2 or client, or a former patient or client, if the
3 relationship was terminated primarily for the purpose
4 of committing the covered sexual 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 issue, renew, restore, or reinstate a license based on
10 conviction as a registered sex offender; conditions. (a)
11 Notwithstanding any law to the contrary, the board shall
12 automatically revoke a license or deny an application to issue,
13 renew, restore, or reinstate a license under either of the
14 following circumstances:

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



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

4 (b) The board shall notify the person of the license
5 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
10 the person may file a written request for a hearing with the
11 board within ten days of the notice. The hearing shall be held
12 within thirty days of the revocation or denial. The proceeding
13 shall be 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 person is overturned
20 upon appeal, the revocation or denial ordered pursuant to this
21 section shall automatically cease. Nothing in this subsection



1 shall prohibit the board from pursuing disciplinary action based
2 on any 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 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 chapter 846E, regardless of
9 whether the conviction has been appealed; and

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

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

17 **"§447-_____ Revocation of license or denial of application**
18 **to issue, renew, restore, or reinstate a license based on**
19 **conviction as a registered sex offender; conditions.** (a)

20 Notwithstanding any law to the contrary, the board of dentistry
21 shall automatically revoke a license or deny an application to



1 issue, renew, restore, or reinstate a license under either of
2 the following circumstances:

3 (1) The person is convicted in any court in or outside of
4 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 sexual offenses described in chapter
8 846E; or

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

12 (b) The board of dentistry shall notify the person of the
13 license revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
18 the person may file a written request for a hearing with the
19 board of dentistry within ten days of the notice. The hearing
20 shall be held within thirty days of the revocation or denial.
21 The proceeding shall 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 person is overturned
7 upon appeal, the revocation or denial ordered pursuant to this
8 section shall automatically cease. Nothing in this subsection
9 shall prohibit the board of dentistry from pursuing disciplinary
10 action based on any cause other than the overturned conviction.

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

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

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

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



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

4 "§448- Revocation of license or denial of application
5 to issue, renew, restore, or reinstate a license based on
6 conviction as a registered sex offender; conditions. (a)

7 Notwithstanding any law to the contrary, the board shall
8 automatically revoke a license or deny an application to issue,
9 renew, restore, or reinstate a license under either of the
10 following circumstances:

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

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

20 (b) The board shall notify the person of the license
21 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
5 the person may file a written request for a hearing with the
6 board within ten days of the notice. The hearing shall be held
7 within thirty days of the revocation or denial. The proceeding
8 shall be conducted in accordance with chapter 91.

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

14 (e) If the related conviction of the person is overturned
15 upon appeal, the revocation or denial ordered pursuant to this
16 section shall automatically cease. Nothing in this subsection
17 shall prohibit the board from pursuing disciplinary action based
18 on any 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 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 chapter 846E, regardless of
5 whether the conviction has been appealed; and

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

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

13 **"§448F- Revocation of license or denial of application**
14 **to issue, renew, restore, or reinstate a license based on**
15 **conviction as a registered sex offender; conditions. (a)**
16 Notwithstanding any law to the contrary, the director shall
17 automatically revoke a license or deny an application to issue,
18 renew, restore, or reinstate a license under either of the
19 following circumstances:

20 (1) The person is convicted in any court in or outside of
21 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 sexual offenses described in chapter
4 846E; or

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

8 (b) The director shall notify the person of the license
9 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
14 the person may file a written request for a hearing with the
15 director within ten days of the notice. The hearing shall be
16 held within thirty days of the revocation or denial. The
17 proceeding shall be 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 person is overturned
4 upon appeal, the revocation or denial ordered pursuant to this
5 section shall automatically cease. Nothing in this subsection
6 shall prohibit the director from pursuing disciplinary action
7 based on any cause other than the overturned conviction.

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

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

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

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

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



1 "§451A- Revocation of license or denial of application
2 to issue, renew, restore, or reinstate a license based on
3 conviction as a registered sex offender; conditions. (a)

4 Notwithstanding any law to the contrary, the director shall
5 automatically revoke a license or deny an application to issue,
6 renew, restore, or reinstate a license under either of the
7 following circumstances:

8 (1) The person is convicted in any court in or outside of
9 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 sexual offenses described in chapter
13 846E; or

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

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



1 (c) Upon revocation of the license or denial of an
2 application to issue, renew, restore, or reinstate the license,
3 the person may file a written request for a hearing with the
4 director within ten days of the notice. The hearing shall be
5 held within thirty days of the revocation or denial. The
6 proceeding shall be 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 person is overturned
13 upon appeal, the revocation or denial ordered pursuant to this
14 section shall automatically cease. Nothing in this subsection
15 shall prohibit the director from pursuing disciplinary action
16 based on any cause other than the overturned conviction.

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

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



- 1 (1) The person has been required to register as a sex
2 offender pursuant to chapter 846E, regardless of
3 whether the conviction has been appealed; and
4 (2) The victim of the covered sexual offense was a patient
5 or client, or a former patient or client, if the
6 relationship was terminated primarily for the purpose
7 of committing the covered sexual offense."

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

11 **"§451J- Revocation of license or denial of application**
12 **to issue, renew, restore, or reinstate a license based on**
13 **conviction as a registered sex offender; conditions.** (a)
14 Notwithstanding any law to the contrary, the director shall
15 automatically revoke a license or deny an application to issue,
16 renew, restore, or reinstate a license under either of the
17 following circumstances:

- 18 (1) The person is convicted in any court in or outside of
19 this State of any offense that, if committed or
20 attempted in this State, based on the elements of the
21 convicted offense, would have been punishable as one



1 or more of the sexual offenses described in chapter
2 846E; or

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

6 (b) The director shall notify the person of the license
7 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
12 the person may file a written request for a hearing with the
13 director within ten days of the notice. The hearing shall be
14 held within thirty days of the revocation or denial. The
15 proceeding shall be 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 person is overturned
2 upon appeal, the revocation or denial ordered pursuant to this
3 section shall automatically cease. Nothing in this subsection
4 shall prohibit the director from pursuing disciplinary action
5 based on any cause other than the overturned conviction.

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

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

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

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

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

20 "§452- Revocation of license or permit or denial of
21 application to issue, renew, restore, or reinstate a license or



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

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

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

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

19 (c) Upon revocation of the license or permit or denial of
20 an application to issue, renew, restore, or reinstate the
21 license or permit, the person may file a written request for a



1 hearing with the board within ten days of the notice. The
2 hearing shall be held within thirty days of the revocation or
3 denial. The proceeding shall be conducted in accordance with
4 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 person is overturned
11 upon appeal, the revocation or denial ordered pursuant to this
12 section shall automatically cease. Nothing in this subsection
13 shall prohibit the board from pursuing disciplinary action based
14 on any cause other than the overturned conviction.

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

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

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

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

8 "§453- Revocation of license or denial of application
9 to issue, renew, restore, or reinstate a license based on
10 conviction as a registered sex offender; conditions. (a)
11 Notwithstanding any law to the contrary, the board shall
12 automatically revoke a license or deny an application to issue,
13 renew, restore, or reinstate a license under either of the
14 following circumstances:

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



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

4 (b) The board shall notify the person of the license
5 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
10 the person may file a written request for a hearing with the
11 board within ten days of the notice. The hearing shall be held
12 within thirty days of the revocation or denial. The proceeding
13 shall be 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 person is overturned
20 upon appeal, the revocation or denial ordered pursuant to this
21 section shall automatically cease. Nothing in this subsection



1 shall prohibit the board from pursuing disciplinary action based
2 on any 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 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 chapter 846E, regardless of
9 whether the conviction has been appealed; and

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

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

17 "§453D- Revocation of license or denial of application
18 to issue, renew, restore, or reinstate a license based on
19 conviction as a registered sex offender; conditions. (a)

20 Notwithstanding any law to the contrary, the director shall
21 automatically revoke a license or deny an application to issue,



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

3 (1) The person is convicted in any court in or outside of
4 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 sexual offenses described in chapter
8 846E; or

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

12 (b) The director shall notify the person of the license
13 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
18 the person may file a written request for a hearing with the
19 director within ten days of the notice. The hearing shall be
20 held within thirty days of the revocation or denial. The
21 proceeding shall 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 person is overturned
7 upon appeal, the revocation or denial ordered pursuant to this
8 section shall automatically cease. Nothing in this subsection
9 shall prohibit the director from pursuing disciplinary action
10 based on any cause other than the overturned conviction.

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

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

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

18 (2) The victim of the covered sexual offense was a patient
19 or client, or a former patient or client, if the
20 relationship was terminated primarily for the purpose
21 of committing the covered sexual 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 issue, 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 issue, renew, restore, or reinstate a license under either of the following circumstances:

(1) The person 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 sexual offenses described in chapter 846E; or

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

(b) The board shall notify the person of the license revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
5 the person may file a written request for a hearing with the
6 board within ten days of the notice. The hearing shall be held
7 within thirty days of the revocation or denial. The proceeding
8 shall be conducted in accordance with chapter 91.

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

14 (e) If the related conviction of the person is overturned
15 upon appeal, the revocation or denial ordered pursuant to this
16 section shall automatically cease. Nothing in this subsection
17 shall prohibit the board from pursuing disciplinary action based
18 on any 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 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 chapter 846E, regardless of
5 whether the conviction has been appealed; and

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

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

13 **"§457- Revocation of license or permit or denial of**
14 **application to issue, renew, restore, or reinstate a license or**
15 **permit based on conviction as a registered sex offender;**
16 **conditions.** (a) Notwithstanding any law to the contrary, the
17 board shall automatically revoke a license or permit or deny an
18 application to issue, renew, restore, or reinstate a license or
19 permit under either of the following circumstances:

20 (1) The person is convicted in any court in or outside of
21 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 sexual offenses described in chapter
4 846E; or

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

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

12 (c) Upon revocation of the license or permit or denial of
13 an application to issue, renew, restore, or reinstate the
14 license or permit, the person may file a written request for a
15 hearing with the board within ten days of the notice. The
16 hearing shall be held within thirty days of the revocation or
17 denial. The proceeding shall be conducted in accordance with
18 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 person is overturned
4 upon appeal, the revocation or denial ordered pursuant to this
5 section shall automatically cease. Nothing in this subsection
6 shall prohibit the board from pursuing disciplinary action based
7 on any cause other than the overturned conviction.

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

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

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

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

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



1 "§457A- Revocation of certification or denial of
2 application to issue, renew, restore, or reinstate a
3 certification based on conviction as a registered sex offender;
4 conditions. (a) Notwithstanding any law to the contrary, the
5 director shall automatically revoke a certification or deny an
6 application to issue, renew, restore, or reinstate a
7 certification under either of the following circumstances:
8 (1) The person is convicted in any court in or outside of
9 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 sexual offenses described in chapter
13 846E; or
14 (2) The person is required to register as a sex offender
15 pursuant to chapter 846E, regardless of whether the
16 related conviction has been appealed.
17 (b) The director shall notify the person of the
18 certification revocation or denial of application to issue,
19 renew, restore, or reinstate the certification and of the right
20 to elect to have a hearing as provided in subsection (c).



1 (c) Upon revocation of the certification or denial of an
2 application to issue, renew, restore, or reinstate the
3 certification, the person may file a written request for a
4 hearing with the director within ten days of the notice. The
5 hearing shall be held within thirty days of the revocation or
6 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 person is overturned
14 upon appeal, the revocation or denial ordered pursuant to this
15 section shall automatically cease. Nothing in this subsection
16 shall prohibit the director from pursuing disciplinary action
17 based on any cause other than the overturned 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 certification of a person when:



- 1 (1) The person has been required to register as a sex
2 offender pursuant to chapter 846E, regardless of
3 whether the conviction has been appealed; and
4 (2) The victim of the covered sexual offense was a patient
5 or client, or a former patient or client, if the
6 relationship was terminated primarily for the purpose
7 of committing the covered sexual offense."

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

11 **"§457B- Revocation of license or denial of application**
12 **to issue, renew, restore, or reinstate a license based on**
13 **conviction as a registered sex offender; conditions. (a)**
14 Notwithstanding any law to the contrary, the director shall
15 automatically revoke a license or deny an application to issue,
16 renew, restore, or reinstate a license under either of the
17 following circumstances:

- 18 (1) The person is convicted in any court in or outside of
19 this State of any offense that, if committed or
20 attempted in this State, based on the elements of the
21 convicted offense, would have been punishable as one



1 or more of the sexual offenses described in chapter
2 846E; or

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

6 (b) The director shall notify the person of the license
7 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
12 the person may file a written request for a hearing with the
13 director within ten days of the notice. The hearing shall be
14 held within thirty days of the revocation or denial. The
15 proceeding shall be 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 person is overturned
2 upon appeal, the revocation or denial ordered pursuant to this
3 section shall automatically cease. Nothing in this subsection
4 shall prohibit the director from pursuing disciplinary action
5 based on any cause other than the overturned conviction.

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

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

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

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

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

20 "§457G- Revocation of license or denial of application
21 to issue, renew, restore, or reinstate a license based on



1 conviction as a registered sex offender; conditions. (a)

2 Notwithstanding any law to the contrary, the director shall
3 automatically revoke a license or deny an application to issue,
4 renew, restore, or reinstate a license under either of the
5 following circumstances:

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

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

15 (b) The director shall notify the person of the license
16 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
21 the person may file a written request for a hearing with the



1 director within ten days of the notice. The hearing shall be
2 held within thirty days of the revocation or denial. The
3 proceeding shall be 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 person is overturned
10 upon appeal, the revocation or denial ordered pursuant to this
11 section shall automatically cease. Nothing in this subsection
12 shall prohibit the director from pursuing disciplinary action
13 based on any cause other than the overturned 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 chapter 846E, regardless of
20 whether the conviction has been appealed; and



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

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

8 "§457J- Revocation of license or denial of application
9 to issue, renew, restore, or reinstate a license based on
10 conviction as a registered sex offender; conditions. (a)
11 Notwithstanding any law to the contrary, the director shall
12 automatically revoke a license or deny an application to issue,
13 renew, restore, or reinstate a license under either of the
14 following circumstances:

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



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

4 (b) The director shall notify the person of the license
5 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
10 the person may file a written request for a hearing with the
11 director within ten days of the notice. The hearing shall be
12 held within thirty days of the revocation or denial. The
13 proceeding shall be 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 person is overturned
20 upon appeal, the revocation or denial ordered pursuant to this
21 section shall automatically cease. Nothing in this subsection



1 shall prohibit the director from pursuing disciplinary action
2 based on any 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 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 chapter 846E, regardless of
9 whether the conviction has been appealed; and

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

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

17 "§458- Revocation of license or denial of application
18 to issue, renew, restore, or reinstate a license based on
19 conviction as a registered sex offender; conditions. (a)

20 Notwithstanding any law to the contrary, the director of
21 commerce and consumer affairs shall automatically revoke a



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

3 (1) The person is convicted in any court in or outside of
4 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 sexual offenses described in chapter
8 846E; or

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

12 (b) The director of commerce and consumer affairs shall
13 notify the person of the license revocation or denial of
14 application to issue, renew, restore, or reinstate the license
15 and of the right to elect to have a hearing as provided in
16 subsection (c).

17 (c) Upon revocation of the license or denial of an
18 application to issue, renew, restore, or reinstate the license,
19 the person may file a written request for a hearing with the
20 director of commerce and consumer affairs within ten days of the
21 notice. The hearing shall be held within thirty days of the



1 revocation or denial. The proceeding shall be conducted in
2 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 person is overturned
9 upon appeal, the revocation or denial ordered pursuant to this
10 section shall automatically cease. Nothing in this subsection
11 shall prohibit the director of commerce and consumer affairs
12 from pursuing disciplinary action based on any cause other than
13 the overturned 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 of commerce and consumer affairs shall
17 not restore, renew, or otherwise reinstate the license of a
18 person when:

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

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

8 "§459- Revocation of license or denial of application
9 to issue, renew, restore, or reinstate a license based on
10 conviction as a registered sex offender; conditions. (a)
11 Notwithstanding any law to the contrary, the board shall
12 automatically revoke a license or deny an application to issue,
13 renew, restore, or reinstate a license under either of the
14 following circumstances:

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



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

4 (b) The board shall notify the person of the license
5 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
10 the person may file a written request for a hearing with the
11 board within ten days of the notice. The hearing shall be held
12 within thirty days of the revocation or denial. The proceeding
13 shall be 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 person is overturned
20 upon appeal, the revocation or denial ordered pursuant to this
21 section shall automatically cease. Nothing in this subsection



1 shall prohibit the board from pursuing disciplinary action based
2 on any 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 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 chapter 846E, regardless of
9 whether the conviction has been appealed; and

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

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

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



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

3 (1) The person is convicted in any court in or outside of
4 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 sexual offenses described in chapter
8 846E; or

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

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

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



1 denial. The proceeding shall be conducted in accordance with
2 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 person is overturned
9 upon appeal, the revocation or denial ordered pursuant to this
10 section shall automatically cease. Nothing in this subsection
11 shall prohibit the board from pursuing disciplinary action based
12 on any cause other than the overturned conviction.

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

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

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 victim of the covered sexual offense was a patient
21 or client, or a former patient or client, if the



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

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

6 "§461J- Revocation of license or denial of application
7 to issue, renew, restore, or reinstate a license based on
8 conviction as a registered sex offender; conditions. (a)

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

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

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



1 (b) The board shall notify the person of the license
2 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
7 the person may file a written request for a hearing with the
8 board within ten days of the notice. The hearing shall be held
9 within thirty days of the revocation or denial. The proceeding
10 shall be conducted in accordance with chapter 91.

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

16 (e) If the related conviction of the 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 board from pursuing disciplinary action based
20 on any cause other than the overturned 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 chapter 846E, regardless of
7 whether the conviction has been appealed; and

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

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

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



1 (1) The person is convicted in any court in or outside of
2 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 sexual offenses described in chapter
6 846E; or

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

10 (b) The board shall notify the person of the license
11 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
16 the person may file a written request for a hearing with the
17 board within ten days of the notice. The hearing shall be held
18 within thirty days of the revocation or denial. The proceeding
19 shall be 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 person is overturned
5 upon appeal, the revocation or denial ordered pursuant to this
6 section shall automatically cease. Nothing in this subsection
7 shall prohibit the board from pursuing disciplinary action based
8 on any cause other than the overturned 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 chapter 846E, regardless of
15 whether the conviction has been appealed; and

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



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

4 "§465- Revocation of license or permit or denial of
5 application to issue, renew, restore, or reinstate a license or
6 permit based on conviction as a registered sex offender;
7 conditions. (a) Notwithstanding any law to the contrary, the
8 board shall automatically revoke a license or permit or deny an
9 application to issue, renew, restore, or reinstate a license or
10 permit under either of the following circumstances:

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

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

20 (b) The board shall notify the person of the license or
21 permit revocation or denial of application to issue, renew,



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

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

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

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

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

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

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

13 **"§465D- Revocation of license or denial of application**
14 **to issue, renew, restore, or reinstate a license based on**
15 **conviction as a registered sex offender; conditions.** (a)

16 Notwithstanding any law to the contrary, the director shall
17 automatically revoke a license or deny an application to issue,
18 renew, restore, or reinstate a license under either of the
19 following circumstances:

20 (1) The person is convicted in any court in or outside of
21 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 sexual offenses described in chapter
4 846E; or

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

8 (b) The director shall notify the person of the license
9 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
14 the person may file a written request for a hearing with the
15 director within ten days of the notice. The hearing shall be
16 held within thirty days of the revocation or denial. The
17 proceeding shall be 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 person is overturned
4 upon appeal, the revocation or denial ordered pursuant to this
5 section shall automatically cease. Nothing in this subsection
6 shall prohibit the director from pursuing disciplinary action
7 based on any cause other than the overturned conviction.

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

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

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

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

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



1 "§466D- Revocation of license or denial of application
2 to issue, renew, restore, or reinstate a license based on
3 conviction as a registered sex offender; conditions. (a)

4 Notwithstanding any law to the contrary, the director shall
5 automatically revoke a license or deny an application to issue,
6 renew, restore, or reinstate a license under either of the
7 following circumstances:

8 (1) The person is convicted in any court in or outside of
9 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 sexual offenses described in chapter
13 846E; or

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

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



1 (c) Upon revocation of the license or denial of an
2 application to issue, renew, restore, or reinstate the license,
3 the person may file a written request for a hearing with the
4 director within ten days of the notice. The hearing shall be
5 held within thirty days of the revocation or denial. The
6 proceeding shall be 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 person is overturned
13 upon appeal, the revocation or denial ordered pursuant to this
14 section shall automatically cease. Nothing in this subsection
15 shall prohibit the director from pursuing disciplinary action
16 based on any cause other than the overturned conviction.

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

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



- 1 (1) The person has been required to register as a sex
2 offender pursuant to chapter 846E, regardless of
3 whether the conviction has been appealed; and
4 (2) The victim of the covered sexual offense was a patient
5 or client, or a former patient or client, if the
6 relationship was terminated primarily for the purpose
7 of committing the covered sexual offense."

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

11 **"§467E- Revocation of license or denial of application**
12 **to issue, renew, restore, or reinstate a license based on**
13 **conviction as a registered sex offender; conditions.** (a)
14 Notwithstanding any law to the contrary, the director shall
15 automatically revoke a license or deny an application to issue,
16 renew, restore, or reinstate a license under either of the
17 following circumstances:

- 18 (1) The person is convicted in any court in or outside of
19 this State of any offense that, if committed or
20 attempted in this State, based on the elements of the
21 convicted offense, would have been punishable as one



1 or more of the sexual offenses described in chapter
2 846E; or

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

6 (b) The director shall notify the person of the license
7 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
12 the person may file a written request for a hearing with the
13 director within ten days of the notice. The hearing shall be
14 held within thirty days of the revocation or denial. The
15 proceeding shall be 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 person is overturned
2 upon appeal, the revocation or denial ordered pursuant to this
3 section shall automatically cease. Nothing in this subsection
4 shall prohibit the director from pursuing disciplinary action
5 based on any cause other than the overturned conviction.

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

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

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

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

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

20 "§468E- Revocation of license or denial of application
21 to issue, renew, restore, or reinstate a license based on



1 conviction as a registered sex offender; conditions. (a)

2 Notwithstanding any law to the contrary, the board shall
3 automatically revoke a license or deny an application to issue,
4 renew, restore, or reinstate a license under either of the
5 following circumstances:

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

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

15 (b) The board shall notify the person of the license
16 revocation or denial of application to issue, 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 issue, renew, restore, or reinstate the license,
21 the person may file a written request for a hearing with the



1 board within ten days of the notice. The hearing shall be held
2 within thirty days of the revocation or denial. The proceeding
3 shall be 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 person is overturned
10 upon appeal, the revocation or denial ordered pursuant to this
11 section shall automatically cease. Nothing in this subsection
12 shall prohibit the board from pursuing disciplinary action based
13 on any cause other than the overturned 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 chapter 846E, regardless of
20 whether the conviction has been appealed; and



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

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

8 SECTION 31. New statutory material is underscored.

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



Report Title:

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

Description:

Requires the Director of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to issue, renew, restore, or reinstate the professional licenses, registrations, certifications, or permits of registered sex offenders. Effective 7/1/3000. (HD2)

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

