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# A BILL FOR AN ACT

RELATING TO ADMINISTRATIVE LICENSURE ACTIONS AGAINST SEX  
OFFENDERS.

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

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

10           Accordingly, the purpose of this Act is to:

11           (1) Authorize the department of commerce and consumer  
12           affairs and certain licensing boards to automatically  
13           revoke and deny the renewal, restoration, or  
14           reinstatement of a license to a licensee who is a  
15           registered sex offender;

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



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

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

6 **"§436E- Revocation of license or denial of application**  
7 **to renew, restore, or reinstate a license based on conviction**  
8 **requiring registration as a sex offender; conditions.** (a)

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

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

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



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

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

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

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



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

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

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

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

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

16       "**§436H- Revocation of license or denial of application**  
17 **to renew, restore, or reinstate a license based on conviction**  
18 **requiring registration as a sex offender; conditions.** (a)

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



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

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

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

12 (b) The director 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 director within  
19 ten 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 license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the director from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

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

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

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

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



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

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

6 "§439A- Revocation of license or denial of application  
7 to renew, restore, or reinstate a license based on conviction  
8 requiring registration as a sex offender; conditions. (a)

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

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

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



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

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

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

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



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

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

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

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

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

16       "**§442-    Revocation of license or denial of application to**  
17 **renew, restore, or reinstate a license based on conviction**  
18 **requiring registration as a sex offender; conditions.** (a)

19 Notwithstanding any law to the contrary, the board shall  
20 automatically revoke a license or deny an application to renew,



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

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

9 (2) The licensee has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the related conviction has been 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 license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the board from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

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

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

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

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



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

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

6 "§447- Revocation of license or denial of application to  
7 renew, restore, or reinstate a license based on conviction  
8 requiring registration as a sex offender; conditions. (a)

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

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

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



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

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

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

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



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

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

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

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

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

16        **"§448-    Revocation of license or denial of application to**  
17 **renew, restore, or reinstate a license based on conviction**  
18 **requiring registration as a sex offender; conditions. (a)**

19 Notwithstanding any law to the contrary, the board shall  
20 automatically revoke a license or deny an application to renew,



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

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

9 (2) The licensee has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the related conviction has been 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 license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the board from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

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

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

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

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



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

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

6 "§448F- Revocation of license or denial of application  
7 to renew, restore, or reinstate a license based on conviction  
8 requiring registration as a sex offender; conditions. (a)

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

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

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



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

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

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

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



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

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

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

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

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

16        **"§451A-        Revocation of license or denial of application**  
17 **to renew, restore, or reinstate a license based on conviction**  
18 **requiring registration as a sex offender; conditions.    (a)**

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



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

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

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

12 (b) The director 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 director within  
19 ten 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 license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the director from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

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

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

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

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



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

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

6           "§451J-     Revocation of license or denial of application  
7 to renew, restore, or reinstate a license based on conviction  
8 requiring registration as a sex offender; conditions.   (a)

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

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

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



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

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

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

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



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

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

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

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

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

16        **"§452-        Revocation of license or denial of application to**  
17 **renew, restore, or reinstate a license based on conviction**  
18 **requiring registration as a sex offender; conditions. (a)**

19 Notwithstanding any law to the contrary, the board shall  
20 automatically revoke a license or deny an application to renew,



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

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

9 (2) The licensee has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the related conviction has been 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 license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the board from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

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

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

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

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



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

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

6           "§453-    Revocation of license or denial of application to  
7 renew, restore, or reinstate a license based on conviction  
8 requiring registration as a sex offender; conditions. (a)

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

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

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



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

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

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

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



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

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

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

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

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

16        **"§453D-    Revocation of license or denial of application**  
17 **to renew, restore, or reinstate a license based on conviction**  
18 **requiring registration as a sex offender; conditions.    (a)**

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



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

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

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

12 (b) The director 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 director within  
19 ten 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 license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the director from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

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

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

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

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



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

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

6 "§455- Revocation of license or denial of application to  
7 renew, restore, or reinstate a license based on conviction  
8 requiring registration as a sex offender; conditions. (a)

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

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

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



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

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

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

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



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

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

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

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

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

16        "§457-        **Revocation of license or denial of application to**  
17 **renew, restore, or reinstate a license based on conviction**  
18 **requiring registration as a sex offender; conditions.**    (a)

19 Notwithstanding any law to the contrary, the board shall  
20 automatically revoke a license or deny an application to renew,



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

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

9 (2) The licensee has been required to register as a sex  
10 offender pursuant to chapter 846E, regardless of  
11 whether the related conviction has been 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 license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the board from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

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

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

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

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



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

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

6           "§457A-     Revocation of certification or denial of  
7 application to renew, restore, or reinstate a certification  
8 based on conviction requiring registration as a sex offender;  
9 conditions. (a) Notwithstanding any law to the contrary, the  
10 director shall automatically revoke a certification or deny an  
11 application to renew, restore, or reinstate a certification  
12 under either of the following circumstances:

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

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



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

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

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

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



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

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

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

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

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

16        **"§457B-    Revocation of license or denial of application**  
17 **to renew, restore, or reinstate a license based on conviction**  
18 **requiring registration as a sex offender; conditions.**    (a)

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



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

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

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

12 (b) The director 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 director within  
19 ten 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 license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the director from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

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

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

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

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



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

3 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  
8 requiring registration as a sex offender; conditions. (a)

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

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

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



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

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

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

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



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

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

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

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

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

16       "§457J-    Revocation of license or denial of application  
17 to renew, restore, or reinstate a license based on conviction  
18 requiring registration as a sex offender; conditions.   (a)

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



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

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

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

12 (b) The director 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 director within  
19 ten 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 license holder is  
7 overturned upon appeal, the revocation or denial ordered  
8 pursuant to this section shall automatically cease. Nothing in  
9 this subsection shall prohibit the director from pursuing  
10 disciplinary action based on any cause other than the overturned  
11 conviction.

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

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

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

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



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

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

6           "§458- Revocation of license or denial of application to  
7 renew, restore, or reinstate a license based on conviction  
8 requiring registration as a sex offender; conditions. (a)

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

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

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



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

6       (c) Upon revocation of the license or denial of an  
7 application to renew, restore, or reinstate, the licensee may  
8 file a written request for a hearing with the director of  
9 commerce and consumer affairs within ten days of the notice.  
10 The hearing shall be held within thirty days of the revocation  
11 or denial. The proceeding shall be conducted in accordance with  
12 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 license holder is  
19 overturned upon appeal, the revocation or denial ordered  
20 pursuant to this section shall automatically cease. Nothing in  
21 this subsection shall prohibit the director of commerce and



1 consumer affairs from pursuing disciplinary action based on any  
2 cause other than the overturned conviction.

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

5 (g) The director of commerce and consumer affairs shall  
6 not restore, renew, or otherwise reinstate the license of a  
7 person under any of the following circumstances:

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

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

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

18 **"§459- Revocation of license or denial of application to**  
19 **renew, restore, or reinstate a license based on conviction**  
20 **requiring registration as a sex offender; conditions. (a)**

21 Notwithstanding any law to the contrary, the board shall



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

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

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

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

17       (c) Upon revocation of the license or denial of an  
18           application to renew, restore, or reinstate, the licensee may  
19           file a written request for a hearing with the board within ten  
20           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 license holder is  
9 overturned upon appeal, the revocation or denial ordered  
10 pursuant to this section shall automatically cease. Nothing in  
11 this subsection shall prohibit the board from pursuing  
12 disciplinary action based on any cause other than the overturned  
13 conviction.

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

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

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



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

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

8           "§461-       Revocation of license or denial of application to  
9 renew, restore, or reinstate a license based on conviction  
10 requiring registration as a sex offender; conditions. (a)

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

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



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

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

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

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

19      (e) If the related conviction of the license holder is  
20      overturned upon appeal, the revocation or denial ordered  
21      pursuant to this section shall automatically cease. Nothing in



1 this subsection shall prohibit the board from pursuing  
2 disciplinary action based on any cause other than the overturned  
3 conviction.

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

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

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

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

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

19 **"§461J- Revocation of license or denial of application**  
20 **to renew, restore, or reinstate a license based on conviction**  
21 **requiring registration as a sex offender; conditions.** (a)



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

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

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

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

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

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

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



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

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

8       "§463E- Revocation of license or denial of application  
9       to renew, restore, or reinstate a license based on conviction  
10       requiring registration as a sex offender; conditions. (a)

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

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



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

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

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

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

19       (e) If the related conviction of the license holder is  
20       overturned upon appeal, the revocation or denial ordered  
21       pursuant to this section shall automatically cease. Nothing in



1 this subsection shall prohibit the board from pursuing  
2 disciplinary action based on any cause other than the overturned  
3 conviction.

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

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

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

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

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

19 **"§465- Revocation of license or denial of application to**  
20 **renew, restore, or reinstate a license based on conviction**  
21 **requiring registration as a sex offender; conditions. (a)**



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

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

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

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

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

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

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



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

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

8       "§465D- Revocation of license or denial of application  
9       to renew, restore, or reinstate a license based on conviction  
10      requiring registration as a sex offender; conditions. (a)

11      Notwithstanding any law to the contrary, the director shall  
12      automatically revoke a license or deny an application to renew,  
13      restore, or reinstate a license under either of the following  
14      circumstances:

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



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

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

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

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

19      (e) If the related conviction of the license holder is  
20      overturned upon appeal, the revocation or denial ordered  
21      pursuant to this section shall automatically cease. Nothing in



1 this subsection shall prohibit the director from pursuing  
2 disciplinary action based on any cause other than the overturned  
3 conviction.

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

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

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

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

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

19 **"§466D- Revocation of license or denial of application**  
20 **to renew, restore, or reinstate a license based on conviction**  
21 **requiring registration as a sex offender; conditions.** (a)



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

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

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

14 (b) The director 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 director within  
21 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 license holder is  
9 overturned upon appeal, the revocation or denial ordered  
10 pursuant to this section shall automatically cease. Nothing in  
11 this subsection shall prohibit the director from pursuing  
12 disciplinary action based on any cause other than the overturned  
13 conviction.

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

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

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



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

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

8       "§467E-       Revocation of license or denial of application  
9       to renew, restore, or reinstate a license based on conviction  
10       requiring registration as a sex offender; conditions. (a)

11       Notwithstanding any law to the contrary, the director shall  
12       automatically revoke a license or deny an application to renew,  
13       restore, or reinstate a license under either of the following  
14       circumstances:

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



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

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

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

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

19      (e) If the related conviction of the license holder is  
20      overturned upon appeal, the revocation or denial ordered  
21      pursuant to this section shall automatically cease. Nothing in



1 this subsection shall prohibit the director from pursuing  
2 disciplinary action based on any cause other than the overturned  
3 conviction.

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

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

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

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

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

19 **"§468E- Revocation of license or denial of application**  
20 **to renew, restore, or reinstate a license based on conviction**  
21 **requiring registration as a sex offender; conditions. (a)**



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

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

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

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

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

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

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



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

5       SECTION 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, 2025.



**Report Title:**

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

**Description:**

Authorizes the Department of Commerce and Consumer Affairs and  
certain licensing boards to automatically revoke and refuse to  
renew, restore, or reinstate the professional licenses or  
certification of registered sex offenders. (CD1)

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

