

STAND. COM. REP. NO.

3676

Honolulu, Hawaii

JUN 26 2020

RE: H.B. No. 1942
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 1942, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CHILD ABUSE REPORTING,"

begs leave to report as follows:

The purpose and intent of this measure is to add commercial film and photographic print or image processors, commercial computer technicians, members of the clergy, and administrators and employees of any public or private organization whose duties require direct contact with or supervision of children to the list of persons who are required to report child abuse or neglect.

Your Committee received testimony in support of this measure from the Hawaii Youth Services Network, IMUAlliance, Parents and Children Together, and two individuals. Your Committee received testimony in opposition to this measure from the Department of Human Services.

Your Committee finds that existing law mandates professionals working in fields such as medicine, law enforcement, and social services to report instances of child abuse or neglect. Your Committee further finds that as sexual exploitation of minors continues to occur online, to protect children from exploitation and abuse, computer technicians should be required to report to law enforcement any computer files containing child pornography.



Additionally, your Committee finds that approximately 26 states currently include members of the clergy among those professionals specifically mandated by law to report known or suspected instances of child abuse; however, Hawaii law does not include members of the clergy as mandatory reporters.

Your Committee recognizes that amending the State's child abuse and neglect mandated reporting law to include commercial computer technicians, commercial film and photographic print or image processors, and members of the clergy as mandated reporters will provide greater protection and intervention for children who are or may be at risk of maltreatment. However, your Committee has heard the concerns of the Department of Human Services that this measure, as drafted, may cause confusion and further delay reporting of suspected child abuse and neglect.

Accordingly, your Committee has amended this measure by:

- (1) Inserting a definition for electronic media that allows for broad interpretation as a result of rapid growth and future development;
- (2) Deleting language that is inconsistent with Hawaii Rules of Evidence that may result in an extension of privileges in the context of child abuse and neglect cases that will not serve the stated purpose of the measure to update Hawaii's child abuse and neglect mandated reporting;
- (3) Relocating the transition period provision to a separate section at the end of the bill for ease of exclusion from statute without destroying the context and continuity of the permanent provisions;
- (4) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.


Your Committee is mindful and compassionate that in the doctrine of some faiths, clergy must maintain the confidentiality of pastoral communications. This privilege, however, is not



absolute. The purpose of mandated reporting law is to protect minors adversely affected by abuse or neglect, the intention of reporting of such cases serves as a safeguard and an effort to prevent further abuses. Finally, your Committee finds that this issue raises concerns that merit further consideration and requests that your Committee on the Judiciary further examine those issues and concerns raised relating to this issue.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1942, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1942, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,



RUSSELL E. RUDERMAN, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* HB 1942 HD2	Committee Referral: HMS, JDC	Date: 6/24/20		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RUDERMAN, Russell E. (C)	✓			
RHOADS, Karl (VC)	✓			
IHARA, Jr., Les		✓		
RIVIERE, Gil			✓	
FEVELLA, Kurt			✓	
TOTAL	2	1	2	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes