

STAND. COM. REP. NO.

2961

Honolulu, Hawaii

FEB 27 2020

RE: S.B. No. 2266
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 Judiciary, to which was referred S.B. No. 2266 entitled:

"A BILL FOR AN ACT RELATING TO SEX OFFENDERS,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit a person required to register as a sex offender from residing within two thousand feet of the person's former victim or the victim's immediate family members.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Hawai'i Psychological Association, The Sex Abuse Treatment Center, IMUAlliance, Rainbow Family 808, Hawaii Family Advocacy Team, and twenty individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that as of 2018, at least six states, Alabama, Arkansas, Indiana, Oklahoma, Tennessee, and West Virginia, had enacted laws restricting a registered sex offender from living within a designated proximity to their victim. For years, states have enacted residency restrictions to prevent certain sex offenders from residing close to schools, day care centers, playgrounds, and other public spaces frequented by children to prevent subsequent offenses and protect potential



future victims. Your Committee finds that it is a logical step to enact residential restrictions that protect actual past victims. Residential restrictions that prevent sex offenders from residing close to their victims protect the victims from feeling unsafe within their own homes and experiencing further trauma from the reentry of their former abuser into their lives.

Your Committee has amended this measure by:

- (1) Clarifying that it is unlawful for a released or convicted registered sex offender to reside, permanently or temporarily, within two thousand feet of the property in which the covered offender's former victim or the victim's immediate family member resides;
- (2) Inserting language to provide that the fact that the victim or victim's immediate family member has moved within two thousand feet of a sex offender after the offender has established residency shall not form the basis for finding a violation, unless the sex offender has been convicted of a new covered offense;
- (3) Requiring a sex offender to obtain approval from the Attorney General prior to a change in address;
- (4) Requiring the Attorney general to adopt rules;
- (5) Defining "immediate family member" and "within 2,000 feet";
- (6) Inserting an effective date of August 26, 2050, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2266, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2266, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2266	Committee Referral: JDC	Date: 2/6/2020
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The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado				/
FEVELLA, Kurt	/			
TOTAL	4			1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

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*Only one measure per Record of Votes