
A BILL FOR AN ACT

RELATING TO SEX OFFENDERS.

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

1 SECTION 1. Section 846E-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Sex offender against minors" means:

5 (1) A person who is or has been convicted at any time,
6 whether before or after May 9, 2005, of a "sexual
7 offense" and a "crime against minors", as defined in
8 this section, and who was at least eighteen years of
9 age at the time one or more of the sexual offenses was
10 committed; provided that the sexual offense and the
11 crime against minors pertain to the same victim and
12 the same set of circumstances; or

13 (2) A person who is or has been charged at any time,
14 whether before or after May 9, 2005, with a "sexual
15 offense" and a "crime against minors", as defined in
16 this section, and is or has been found unfit to
17 proceed and is or has been released into the community



1 or who is acquitted due to a physical or mental
2 disease, disorder, or defect pursuant to chapter 704
3 and is released into the community, and who was at
4 least eighteen years of age at the time one or more of
5 the sexual offenses with which the person has been
6 charged occurred; provided that the sexual offense and
7 the crime against minors pertain to the same victim
8 and the same set of circumstances."

9 SECTION 2. Section 846E-1, Hawaii Revised Statutes, is
10 amended by amending the definition of "covered offender" to read
11 as follows:

12 "Covered offender" means a "sex offender" [~~or~~], an
13 "offender against minors", or a "sex offender against minors",
14 as defined in this section."

15 SECTION 3. Section 846E-2, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§846E-2 Registration requirements.** (a) A covered
18 offender shall register with the attorney general and comply
19 with the provisions of this chapter for life or for a shorter
20 period of time as provided in this chapter. Registration under
21 this subsection is required whenever the covered offender,



1 whether or not a resident of this State, remains in this State
2 for more than ten days or for an aggregate period exceeding
3 thirty days in one calendar year. A covered offender shall be
4 eligible to petition the court in a civil proceeding for an
5 order that the covered offender's registration requirements
6 under this chapter be terminated, as provided in section 846E-
7 10.

8 (b) A person who establishes or maintains a residence in
9 this State and who has not been designated as a covered offender
10 by a court of this State but who has been designated as a
11 covered offender, sex offender, offender against minors, repeat
12 covered offender, sexually violent predator, or any other sexual
13 offender designation in another state or jurisdiction and was,
14 as a result of [~~such~~] the designation, subjected to registration
15 or community or public notification, or both, or would be if the
16 person was a resident of that state or jurisdiction, without
17 regard to whether the person otherwise meets the criteria for
18 registration as a covered offender, shall register in the manner
19 provided in this section and shall be subject to community and
20 public notification as provided in section 846E-3. A person who
21 meets the criteria of this subsection is subject to the



1 requirements and penalty provisions of section 846E-9 until the
2 person successfully petitions the attorney general for
3 termination of registration requirements by:

- 4 (1) Providing an order issued by the court that designated
5 the person as a covered offender, sex offender,
6 offender against minors, repeat covered offender,
7 sexually violent predator, or any other sexual
8 offender designation in the state or jurisdiction in
9 which the order was issued, which states that [~~such~~]
10 the designation has been removed or demonstrates to
11 the attorney general that [~~such~~] the designation, if
12 not imposed by a court, has been removed by operation
13 of law or court order in the state or jurisdiction in
14 which the designation was made, and [~~such~~] the person
15 does not meet the criteria for registration as a
16 covered offender under the laws of this State; or
17 (2) Demonstrating that the out-of-state convictions upon
18 which the sexual offender designation was established
19 are not covered offenses under section 846E-1, thereby
20 showing that [~~such~~] the person does not meet the



1 criteria for registration as a covered offender under
2 the laws of this State.

3 If the covered offender is not satisfied with the decision of
4 the attorney general on the request for termination of
5 registration requirements, the covered offender may appeal the
6 decision pursuant to chapter 91.

7 (c) Each provision of this chapter applicable to sex
8 offenders shall also be applicable to offenders against minors,
9 unless offenders against minors are specifically excluded.

10 Whenever a covered offender's public information is made
11 publicly accessible, separate registries shall be maintained
12 for:

- 13 (1) Sex offenders; and
- 14 (2) Offenders against minors.

15 (d) Registration information for each covered offender
16 shall include a signed statement by the covered offender
17 containing:

- 18 (1) The name, all prior names, nicknames and pseudonyms,
19 and all aliases used by the covered offender or under
20 which the covered offender has been known and other
21 identifying information, including date of birth and



- 1 any alias date of birth, social security number and
2 any alias social security number, sex, race, height,
3 weight, and hair and eye color;
- 4 (2) The actual address and telephone number of the covered
5 offender's permanent residence or the address of the
6 covered offender's current temporary residence, or if
7 an address is not available, a description of the
8 place or area in which the covered offender resides
9 for at least thirty nonconsecutive days within a
10 sixty-day period, and for each address or place where
11 the covered offender resides, how long the covered
12 offender has resided there;
- 13 (3) The actual address or description of the place or
14 area, the actual length of time of the stay, and
15 telephone number where the covered offender is staying
16 for a period of more than ten days, if other than the
17 stated residence;
- 18 (4) If known, the future address and telephone number of
19 the place where the covered offender is planning to
20 reside, if other than the stated residence;



- 1 (5) Any electronic mail address, any instant message name,
2 any internet designation or moniker, and any internet
3 address used for routing or self-identification;
- 4 (6) Any cell phone number and other designations used for
5 routing or self-identification in telephonic
6 communications;
- 7 (7) Names and, if known, actual business addresses of
8 current and known future employers, including
9 information for any place where the covered offender
10 works as a volunteer or otherwise works without
11 remuneration, and the starting and ending dates of any
12 [~~such~~] employment;
- 13 (8) For covered offenders who may not have a fixed place
14 of employment, a description of the places where [~~such~~
15 a] the covered offender works, such as information
16 about normal travel routes or the general area or
17 areas in which the covered offender works;
- 18 (9) Professional licenses held by the covered offender;
- 19 (10) Names and actual addresses of current and known future
20 educational institutions with which the covered
21 offender is affiliated in any way, whether or not



1 compensated, including but not limited to affiliation
2 as a faculty member, an employee, or a student, and
3 the starting and ending dates of any [~~such~~]
4 affiliation;

5 (11) The year, make, model, color, and license or
6 registration or other identifying number of all
7 vehicles, including automobiles, watercrafts, and
8 aircrafts, currently owned or operated by the covered
9 offender and the address or description of the place
10 or places where the covered offender's vehicle or
11 vehicles are habitually parked, docked, or otherwise
12 kept;

13 (12) Passports and information about the passports, if the
14 covered offender has passports, and documents
15 establishing immigration status and information about
16 these documents, if the covered offender is an alien;

17 (13) A statement listing all covered offenses for which the
18 covered offender has been convicted or found unfit to
19 proceed or acquitted pursuant to chapter 704;

20 (14) A statement indicating whether the covered offender
21 has received or is currently receiving treatment



1 ordered by a court of competent jurisdiction or by the
2 Hawaii paroling authority;

3 (15) A statement indicating whether the covered offender is
4 a United States citizen; and

5 (16) Any additional identifying information about the
6 covered offender.

7 (e) The following information shall also be included in
8 the registry for each covered offender:

9 (1) A current photograph of the covered offender;

10 (2) A physical description of the covered offender,
11 including a description of particular identifying
12 characteristics such as scars or tattoos;

13 (3) Confirmation that the covered offender has provided
14 digitized fingerprints and palm prints of the covered
15 offender;

16 (4) Judgment of conviction, judgment of acquittal, or
17 judicial determination of unfitness to proceed
18 documenting the criminal offense or offenses for which
19 the covered offender is registered;



- 1 (5) The text, or an electronic link to the text, of the
2 provision of law defining the criminal offense or
3 offenses for which the covered offender is registered;
- 4 (6) The criminal history of the covered offender, or an
5 electronic link to the criminal history, including the
6 date of all arrests and convictions, the status of
7 parole, probation, or supervised release, registration
8 status, and the existence of any outstanding arrest
9 warrants for the covered offender;
- 10 (7) Confirmation that the covered offender has provided a
11 DNA buccal swab sample as required by chapter 844D;
- 12 (8) Digitized copies of a valid driver's license or
13 identification card issued to the covered offender, or
14 an electronic link to [~~such~~] the records; and
- 15 (9) Digitized copies of passports and documents
16 establishing immigration status, or an electronic link
17 to [~~such~~] the records.
- 18 (f) Whenever a covered offender provides registration
19 information, during initial registration as a covered offender
20 or when providing notice of a change in registration
21 information, the covered offender also shall sign a statement



1 verifying that all of the registration information is accurate
2 and current.

3 (g) In addition to the requirement under subsection (a) to
4 register with the attorney general and comply with the
5 provisions of this chapter until a court relieves the covered
6 offender of the registration requirements of this chapter, each
7 covered offender shall also register in person with the chief of
8 police where the covered offender resides or is present.
9 Registration under this subsection is for the purpose of
10 providing the covered offender's photograph, fingerprints, and
11 registration information. Registration under this subsection is
12 required whenever the covered offender, whether or not a
13 resident of this State, remains in this State for more than ten
14 days or for an aggregate period exceeding thirty days in one
15 calendar year. Covered offenders required to register in person
16 with the chief of police under this subsection shall register no
17 later than three working days after the earliest of:

- 18 (1) Arrival in this State;
19 (2) Release from incarceration;
20 (3) Release from commitment;
21 (4) Release on furlough;



- 1 (5) Conviction for a covered offense, unless incarcerated;
2 (6) Release on probation;
3 (7) Placement on parole; or
4 (8) Arrival in a county in which the covered offender
5 resides or expects to be present for a period
6 exceeding ten days.

7 In addition to any other requirement to register under this
8 subsection or subsection (a), each covered offender shall report
9 in person every five years until June 30, 2009, and beginning on
10 July 1, 2009, every year, within the thirty-day period following
11 the offender's date of birth, to the chief of police where the
12 covered offender resides, or to [~~such other~~] another department
13 or agency that may be designated by the attorney general in
14 rules adopted pursuant to chapter 91 for purposes of the
15 administration of this subsection, and shall review the existing
16 information in the registry that is within the offender's
17 knowledge, correct any information that has changed or is
18 inaccurate, provide any new information that may be required,
19 and allow the police and [~~such~~] other department or agency
20 designated by the attorney general to take a current photograph
21 of the offender.



1 (h) The registration provisions of this section shall
2 apply to all covered offenders without regard to:

- 3 (1) The date of the covered offender's conviction;
- 4 (2) The date of finding, pursuant to chapter 704, of the
5 covered offender's unfitness to proceed; or
- 6 (3) The date of the covered offender's acquittal due to
7 mental disease, disorder, or defect, pursuant to
8 chapter 704.

9 (i) It shall be unlawful for any sex offender against
10 minors, for whom registration under this section is required, to
11 reside, permanently or temporarily, within one thousand feet of
12 any public or private school."

13 SECTION 4. If any provision of this Act, or the
14 application thereof to any person or circumstance, is held
15 invalid, the invalidity does not affect other provisions or
16 applications of the Act that can be given effect without the
17 invalid provision or application, and to this end the provisions
18 of this Act are severable.

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



H.B. NO. 2224

1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 21 2020



H.B. NO. 2224

Report Title:

Sex Offender Against Minors; Registration Requirement; Residence Restriction

Description:

Establishes a definition for "sex offender against minors". Amends the definition of "covered offender" to include a sex offender against minors. Prohibits a sex offender against minors, for whom registration with the attorney general is required, from residing, permanently or temporarily, within one thousand feet of any public or private school.

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