
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-2, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "**§846E-2 Registration requirements.** (a) A covered
4 offender shall register with the attorney general and comply
5 with the provisions of this chapter for life or for a shorter
6 period of time as provided in this chapter. Registration under
7 this subsection is required whenever the covered offender,
8 whether or not a resident of this State, remains in this State
9 for more than ten days or for an aggregate period exceeding
10 thirty days in one calendar year. A covered offender shall be
11 eligible to petition the court in a civil proceeding for an
12 order that the covered offender's registration requirements
13 under this chapter be terminated, as provided in section
14 846E-10.
15 (b) A person who establishes or maintains a residence in
16 this State and who has not been designated as a covered offender
17 by a court of this State but who has been designated as a



1 covered offender, sex offender, offender against minors, repeat
2 covered offender, sexually violent predator, or any other sexual
3 offender designation in another state or jurisdiction and was,
4 as a result of such designation, subjected to registration or
5 community or public notification, or both, or would be if the
6 person was a resident of that state or jurisdiction, without
7 regard to whether the person otherwise meets the criteria for
8 registration as a covered offender, shall register in the manner
9 provided in this section and shall be subject to community and
10 public notification as provided in section 846E-3. A person who
11 meets the criteria of this subsection is subject to the
12 requirements and penalty provisions of section 846E-9 until the
13 person successfully petitions the attorney general for
14 termination of registration requirements by:

15 (1) Providing an order issued by the court that designated
16 the person as a covered offender, sex offender,
17 offender against minors, repeat covered offender,
18 sexually violent predator, or any other sexual
19 offender designation in the state or jurisdiction in
20 which the order was issued, which states that such
21 designation has been removed or demonstrates to the



1 attorney general that such designation, if not imposed
2 by a court, has been removed by operation of law or
3 court order in the state or jurisdiction in which the
4 designation was made, and such person does not meet
5 the criteria for registration as a covered offender
6 under the laws of this State; or

7 (2) Demonstrating that the out-of-state convictions upon
8 which the sexual offender designation was established
9 are not covered offenses under section 846E-1, thereby
10 showing that such person does not meet the criteria
11 for registration as a covered offender under the laws
12 of this State.

13 If the covered offender is not satisfied with the decision of
14 the attorney general on the request for termination of
15 registration requirements, the covered offender may appeal the
16 decision pursuant to chapter 91.

17 (c) Each provision of this chapter applicable to sex
18 offenders shall also be applicable to offenders against minors,
19 unless offenders against minors are specifically excluded.

20 Whenever a covered offender's public information is made



1 publicly accessible, separate registries shall be maintained
2 for:

3 (1) Sex offenders; and

4 (2) Offenders against minors.

5 (d) Registration information for each covered offender
6 shall include a signed statement by the covered offender
7 containing:

8 (1) The name, all prior names, nicknames and pseudonyms,
9 and all aliases used by the covered offender or under
10 which the covered offender has been known and other
11 identifying information, including date of birth and
12 any alias date of birth, social security number and
13 any alias social security number, sex, race, height,
14 weight, and hair and eye color;

15 (2) The actual address and telephone number of the covered
16 offender's permanent residence or the address of the
17 covered offender's current temporary residence, or if
18 an address is not available, a description of the
19 place or area in which the covered offender resides
20 for at least thirty nonconsecutive days within a
21 sixty-day period, and for each address or place where



- 1 the covered offender resides, how long the covered
2 offender has resided there;
- 3 (3) The actual address or description of the place or
4 area, the actual length of time of the stay, and
5 telephone number where the covered offender is staying
6 for a period of more than ten days, if other than the
7 stated residence;
- 8 (4) If known, the future address and telephone number of
9 the place where the covered offender is planning to
10 reside, if other than the stated residence;
- 11 (5) Any electronic mail address, any instant message name,
12 any internet designation or moniker, and any internet
13 address used for routing or self-identification;
- 14 (6) Any cell phone number and other designations used for
15 routing or self-identification in telephonic
16 communications;
- 17 (7) Names and, if known, actual business addresses of
18 current and known future employers, including
19 information for any place where the covered offender
20 works as a volunteer or otherwise works without



- 1 remuneration, and the starting and ending dates of any
- 2 such employment;
- 3 (8) For covered offenders who may not have a fixed place
- 4 of employment, a description of the places where such
- 5 a covered offender works, such as information about
- 6 normal travel routes or the general area or areas in
- 7 which the covered offender works;
- 8 (9) Professional licenses held by the covered offender;
- 9 (10) Names and actual addresses of current and known future
- 10 educational institutions with which the covered
- 11 offender is affiliated in any way, whether or not
- 12 compensated, including but not limited to affiliation
- 13 as a faculty member, an employee, or a student, and
- 14 the starting and ending dates of any such affiliation;
- 15 (11) The year, make, model, color, and license or
- 16 registration or other identifying number of all
- 17 vehicles, including automobiles, watercrafts, and
- 18 aircrafts, currently owned or operated by the covered
- 19 offender and the address or description of the place
- 20 or places where the covered offender's vehicle or



- 1 vehicles are habitually parked, docked, or otherwise
2 kept;
- 3 (12) Passports and information about the passports, if the
4 covered offender has passports, and documents
5 establishing immigration status and information about
6 these documents, if the covered offender is an alien;
- 7 (13) A statement listing all covered offenses for which the
8 covered offender has been convicted or found unfit to
9 proceed or acquitted pursuant to chapter 704;
- 10 (14) A statement indicating whether the covered offender
11 has received or is currently receiving treatment
12 ordered by a court of competent jurisdiction or by the
13 Hawaii paroling authority;
- 14 (15) A statement indicating whether the covered offender is
15 a United States citizen; and
- 16 (16) Any additional identifying information about the
17 covered offender.
- 18 (e) The following information shall also be included in
19 the registry for each covered offender:
- 20 (1) A current photograph of the covered offender;



- 1 (2) A physical description of the covered offender,
2 including a description of particular identifying
3 characteristics such as scars or tattoos;
- 4 (3) Confirmation that the covered offender has provided
5 digitized fingerprints and palm prints of the covered
6 offender;
- 7 (4) Judgment of conviction, judgment of acquittal, or
8 judicial determination of unfitness to proceed
9 documenting the criminal offense or offenses for which
10 the covered offender is registered;
- 11 (5) The text, or an electronic link to the text, of the
12 provision of law defining the criminal offense or
13 offenses for which the covered offender is registered;
- 14 (6) The criminal history of the covered offender, or an
15 electronic link to the criminal history, including the
16 date of all arrests and convictions, the status of
17 parole, probation, or supervised release, registration
18 status, and the existence of any outstanding arrest
19 warrants for the covered offender;
- 20 (7) Confirmation that the covered offender has provided a
21 DNA buccal swab sample as required by chapter 844D;



1 (8) Digitized copies of a valid driver's license or
2 identification card issued to the covered offender, or
3 an electronic link to such records; and

4 (9) Digitized copies of passports and documents
5 establishing immigration status, or an electronic link
6 to such records.

7 (f) Whenever a covered offender provides registration
8 information, during initial registration as a covered offender
9 or when providing notice of a change in registration
10 information, the covered offender also shall sign a statement
11 verifying that all of the registration information is accurate
12 and current.

13 (g) In addition to the requirement under subsection (a) to
14 register with the attorney general and comply with the
15 provisions of this chapter until a court relieves the covered
16 offender of the registration requirements of this chapter, each
17 covered offender shall also register in person with the chief of
18 police where the covered offender resides or is present.

19 Registration under this subsection is for the purpose of
20 providing the covered offender's photograph, fingerprints, and
21 registration information. Registration under this subsection is



1 required whenever the covered offender, whether or not a
2 resident of this State, remains in this State for more than ten
3 days or for an aggregate period exceeding thirty days in one
4 calendar year. Covered offenders required to register in person
5 with the chief of police under this subsection shall register no
6 later than three working days after the earliest of:

- 7 (1) Arrival in this State;
- 8 (2) Release from incarceration;
- 9 (3) Release from commitment;
- 10 (4) Release on furlough;
- 11 (5) Conviction for a covered offense, unless incarcerated;
- 12 (6) Release on probation;
- 13 (7) Placement on parole; or
- 14 (8) Arrival in a county in which the covered offender
15 resides or expects to be present for a period
16 exceeding ten days.

17 In addition to any other requirement to register under this
18 subsection or subsection (a), each covered offender shall report
19 in person every five years until June 30, 2009, and beginning on
20 July 1, 2009, every year, within the thirty-day period following
21 the offender's date of birth, to the chief of police where the



1 covered offender resides, or to such other department or agency
2 that may be designated by the attorney general in rules adopted
3 pursuant to chapter 91 for purposes of the administration of
4 this subsection, and shall review the existing information in
5 the registry that is within the offender's knowledge, correct
6 any information that has changed or is inaccurate, provide any
7 new information that may be required, and allow the police and
8 such other department or agency designated by the attorney
9 general to take a current photograph of the offender.

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

- 12 (1) The date of the covered offender's conviction;
13 (2) The date of finding, pursuant to chapter 704, of the
14 covered offender's unfitness to proceed; or
15 (3) The date of the covered offender's acquittal due to
16 mental disease, disorder, or defect, pursuant to
17 chapter 704.

18 (i) For persons convicted of a covered offense on July 1,
19 2020, and thereafter, a court may order that a covered offender
20 shall not reside, permanently or temporarily, within five



1 hundred feet of any public or private school, child care
2 facility, playground, or park where children may gather."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Sex Offenders; Offenders Against Minors; Residency Restriction

Description:

Allows a court to prohibit persons convicted of a crime against minors or sexual offense on 7/1/2020, and thereafter, from residing, permanently or temporarily, within 500 feet of any public or private school, child care facility, playground, or park where children may gather. Takes effect on 7/1/2050.
(HD1)

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

