

STAND. COM. REP. NO. 377

Honolulu, Hawaii

FEB 18 2021

RE: S.B. No. 1042
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 1042 entitled:

"A BILL FOR AN ACT RELATING TO COVERED OFFENDER
REGISTRATION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Repeal the existing provision that allows persons designated as covered offenders in another state or jurisdiction to petition the Attorney General for termination of sex offender registration requirements upon demonstrating that the out of state convictions are not covered offenses in the State of Hawaii;
- (2) Require certain long-term visitors to Hawaii with out-of-state convictions to register; and
- (3) Clarify how persons required to register can petition to terminate registration.

Your Committee received testimony in support of this measure from the Department of Public Safety, Department of the Attorney General, and Maui Police Department.



Your Committee finds that existing sex offender registration laws allow out-of-state persons who intend to reside or maintain a residence in Hawaii, visit Hawaii for ten or more days, or visit Hawaii for thirty or more days a year, and who have been or are required to be registered in another state as a sex offender, to avoid registration by establishing that they do not meet the criteria for registration as a covered offender in Hawaii because the out-of-state conviction in their state is not for a covered offense under Hawaii law. Your Committee further finds that allowing out-of-state covered offenders to avoid registering as a sex offender in Hawaii by demonstrating that Hawaii's law is different from the law of the state that required the person to register as a sex offender is an unintended loophole in the registration law. This measure closes the loophole by requiring those persons who have been designated as a sexual offender in another state, who is or would be required to be on a sex offender registry in that state, to be subject to registration requirements in the State of Hawaii.

Your Committee has amended this measure by 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 Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1042, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1042, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:
SB 1042	PSM, JDC	Feb. 16, 2021


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
NISHIHARA, Clarence K. (C)	/			
ENGLISH, J. Kalani (VC)	/			
BAKER, Rosalyn H.	/			
RIVIERE, Gil	/			
FEVELLA, Kurt	/			
TOTAL	5	—	—	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes