

STAND. COM. REP. NO.

675

Honolulu, Hawaii

MAR 04 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 Judiciary, to which was referred S.B. No. 1042, S.D. 1, 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 Hawai'i;
- (2) Require certain long-term visitors to Hawai'i 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 the Attorney General and Department of Public Safety.



Your Committee finds that existing sex offender registration laws allow out-of-state persons who intend to reside or maintain a residence in Hawai'i, visit Hawai'i for ten or more days, or visit Hawai'i 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 Hawai'i because the out-of-state conviction in their state is not for a covered offense under Hawai'i law. Your Committee further finds that allowing out-of-state covered offenders to avoid registering as a sex offender in Hawai'i by demonstrating that Hawai'i'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 Hawai'i.

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. 1042, S.D. 1, and recommends that it pass Third Reading.

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



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 1042; SD 1	Committee Referral: PSM, JDC	Date: 2/23/21
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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)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	7	—	—	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: 

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*Only one measure per Record of Votes