

STAND. COM. REP. NO. 758

Honolulu, Hawaii

**MAR 05 2021**

RE: S.B. No. 826  
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. 826 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:

- (1) Prohibit a sex offender from residing within two thousand feet of the sex offender's former victim or the victim's immediate family members; and
- (2) Require the sex offender to receive approval from the Attorney General prior to a change in address.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Rainbow Family 808, Early Childhood Action Strategy, Sex Abuse Treatment Center, and two individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of Public Safety, Office of the Public Defender, and one individual. Your Committee received comments on this measure from the Hawaii Paroling Authority.

Your Committee finds that the trauma of sexual assault can be multifaceted and long-lasting. Survivors of sexual assault frequently report experiencing an ongoing sense of fear and



torment if their assailant lives near to them. Additionally, survivors who do not know where their assailant is often experience a state of hypervigilance and chronic stress. This measure will prohibit sex offenders from residing within two thousand feet of the offender's victim or immediate family members and require sex offenders to receive approval from the Attorney General prior to a change in address.

Your Committee notes a concern raised in testimony that enforcing a prohibited radius within which an offender may not reside could have the unintended effect of informing the offender of the location of the victim, and that a potential solution would be for victims to inform the Department of the Attorney General where they live and have the Department compare the victim's address of residence to the offender's address of residence to ensure there is no violation. Your Committee finds that this consideration may merit further discussion as this measure proceeds in the legislative process.

Your Committee has amended this measure by applying the residential restriction to sex offenders only, rather than covered offenders, to bring the measure within the purview of its title.

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. 826, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 826, S.D. 1, and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 826</b>	Committee Referral: <b>JDC</b>	Date: <b>02/24/2021</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> 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	✓			
<b>TOTAL</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
<b>Distribution:</b>	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy

\*Only one measure per Record of Votes