



GOV. MSG. NO. 1255

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 29, 2016

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 29, 2016, the following bill was signed into law:

HB1044 HD1 SD1

**RELATING TO SEXUAL ASSAULT
ACT 153 (16)**

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO SEXUAL ASSAULT.

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

1 SECTION 1. Section 707-731, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of sexual assault in the
4 second degree if:

5 (a) The person knowingly subjects another person to an act
6 of sexual penetration by compulsion;

7 (b) The person knowingly subjects to sexual penetration
8 another person who is mentally incapacitated or
9 physically helpless; [e]

10 (c) The person, while employed:

11 (i) In a state correctional facility;

12 (ii) By a private company providing services at a
13 correctional facility;

14 (iii) By a private company providing community-based
15 residential services to persons committed to the
16 director of public safety and having received
17 notice of this statute;



1 (iv) By a private correctional facility operating in
2 the State of Hawaii; or

3 (v) As a law enforcement officer as defined in
4 section [f] 710-1000 [t],

5 knowingly subjects to sexual penetration an imprisoned
6 person, a person confined to a detention facility, a
7 person committed to the director of public safety, a
8 person residing in a private correctional facility
9 operating in the State of Hawaii, or a person in
10 custody; provided that paragraph (b) and this
11 paragraph shall not be construed to prohibit
12 practitioners licensed under chapter 453 or 455 from
13 performing any act within their respective practices;
14 and further provided that this paragraph shall not be
15 construed to prohibit a law enforcement officer from
16 performing a lawful search pursuant to a warrant or
17 exception to the warrant clause [v]; or

18 (d) The person knowingly subjects to sexual penetration a
19 minor who is at least sixteen years old and the person
20 is contemporaneously acting in a professional capacity



1 to instruct, advise, or supervise the minor; provided

2 that:

3 (i) The person is not less than five years older than

4 the minor; and

5 (ii) The person is not legally married to the minor."

6 SECTION 2. Section 707-733, Hawaii Revised Statutes, is
7 amended by amending subsection (1) to read as follows:

8 "(1) A person commits the offense of sexual assault in the
9 fourth degree if:

10 (a) The person knowingly subjects another person to sexual
11 contact by compulsion or causes another person to have
12 sexual contact with the actor by compulsion;

13 (b) The person knowingly exposes the person's genitals to
14 another person under circumstances in which the
15 actor's conduct is likely to alarm the other person or
16 put the other person in fear of bodily injury; ~~[or]~~

17 (c) The person knowingly trespasses on property for the
18 purpose of subjecting another person to surreptitious
19 surveillance for the sexual gratification of the
20 actor ~~[or]~~; or



1 (d) The person knowingly engages in or causes sexual
2 contact with a minor who is at least sixteen years old
3 and the person is contemporaneously acting in a
4 professional capacity to instruct, advise, or
5 supervise the minor; provided that:

6 (i) The person is not less than five years older than
7 the minor; and

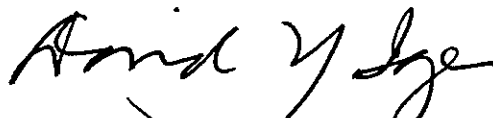
8 (ii) The person is not legally married to the minor."

9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2016.

APPROVED this 29 day of JUN , 2016



GOVERNOR OF THE STATE OF HAWAII

