

JAN 17 2007

A BILL FOR AN ACT

RELATING TO SEX OFFENDERS.

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

1 SECTION 1. The legislature finds that many convicted sex
2 offenders who are required to register with the attorney general
3 are able to live in our communities without public awareness.
4 Sex offenders have navigated around the public Internet access
5 requirement by plea bargaining down from a second degree sexual
6 offense which requires public Internet access to their
7 registration information to a lesser third degree offense that
8 does not give public Internet access to their registration
9 information.

10 The purpose of this Act is to protect our communities by
11 authorizing public Internet access of all registered sexual
12 offenders.

13 SECTION 2. Section 846E-1, Hawaii Revised Statutes, is
14 amended by amending the definition of "sexual offense" to read
15 as follows:

16 "Sexual offense" means an offense that is:



- 1 (1) Set forth in section 707-730(1) (a), 707-730(1) (b),
2 707-730(1) (c), 707-730(1) (d), 707-730(1) (e),
3 707-731(1) (a), 707-731(1) (b), 707-731(1) (c),
4 707-732(1) (a), 707-732(1) (b), 707-732(1) (c),
5 707-732(1) (d), 707-732(1) (e), 707-732(1) (f),
6 707-733(1) (a), 707-733.6, or 712-1202(1) (b), but
7 excludes conduct that is criminal only because of the
8 age of the victim, as provided in section
9 707-730(1) (b), or section 707-732(1) (b) if the
10 perpetrator is under the age of eighteen;
- 11 (2) An act defined in section 707-720 if the charging
12 document for the offense for which there has been a
13 conviction alleged intent to subject the victim to a
14 sexual offense;
- 15 (3) An act that consists of:
- 16 (A) Criminal sexual conduct toward a minor;
- 17 (B) Solicitation of a minor who is less than fourteen
18 years old to engage in sexual conduct;
- 19 (C) Use of a minor in a sexual performance;
- 20 (D) Production, distribution, or possession of child
21 pornography chargeable as a felony under section
22 707-750, 707-751, or 707-752;



- 1 (E) Electronic enticement of a child chargeable as a
2 felony under section 707-756 or 707-757, if the
3 act involves:
- 4 (i) Sexual conduct;
 - 5 (ii) Attempted sexual conduct; or
 - 6 (iii) A proposal to engage in sexual conduct; or
- 7 (F) Solicitation of a minor to practice prostitution;
- 8 (4) A criminal offense that is comparable to or that
9 exceeds a sexual offense as defined in paragraphs (1)
10 through (3) or any federal, military, or out-of-state
11 conviction for any offense that under the laws of this
12 State would be a sexual offense as defined in
13 paragraphs (1) through (3); or
- 14 (5) An act, as described in chapter 705, that is an
15 attempt, criminal solicitation, or criminal conspiracy
16 to commit one of the offenses designated in paragraphs
17 (1) through (4)."

18 SECTION 3. Section 846E-3, Hawaii Revised Statutes, is
19 amended by amending subsection (d) to read as follows:

20 "(d) Public access authorized by this section shall be
21 accomplished by the following methods:



- 1 (1) Public access to the public information for each
2 covered offender subject to subsection (c), paragraphs
3 (1) through [~~4~~] (5) shall be provided by both public
4 [~~internet~~] Internet access and on-site public access
5 [~~or~~]; and
- 6 (2) [~~Public access to the public information for each~~
7 ~~covered offender subject to subsection (c), paragraph~~
8 ~~(5) shall be provided by on site public access,~~
9 ~~provided that on site~~] On-site public access shall be
10 provided for each covered offender at the Hawaii
11 criminal justice data center and at one or more
12 designated police stations in each county, to be
13 designated by the attorney general, between the hours
14 of 8:00 a.m. and 4:30 p.m. on weekdays, excluding
15 holidays."

16 SECTION 4. If any provisions of this Act, or the
17 application thereof to any person or circumstance is held
18 invalid, the invalidity does not affect other provisions or
19 applications of the Act, which can be given effect without the
20 invalid provision or application, and to this end the provisions
21 of this Act are severable.



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act, upon its approval, shall apply
4 retroactively to May 9, 2005.

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INTRODUCED BY:

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Report Title:

Sex Offenders; Registration; Public Access

Description:

Authorizes public access to the public information of all convicted sex offenders through both public Internet access and on-site access.

