

Honolulu, Hawaii

April 24, 2008

RE: H.B. No. 3040
H.D. 1
S.D. 1
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 3040, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to protect Hawaii's youth from sexual predators by strengthening Hawaii's laws against sexual predation of minors. Specifically, this measure:

- (1) Establishes a new offense to address instances of electronic enticement of children where a predator attempts to lure or solicit a minor or arrange a meeting with a minor over the Internet with intent to commit a sex offense or crime against minors;



- (2) Establishes a new offense to address a specific form of grooming conduct by child predators involving masturbation or the lewd or lascivious exposure of the predator's genitals over the computer for view by a minor;
- (3) Amends the repeat offender sentencing law to include the offense of failure to comply with covered offender registration requirements and the new offense of indecent electronic display to a child;
- (4) Amends the offense of promoting child abuse in the second degree to address instances of possession of ten or more images of any form of child pornography and the content of at least one image contains particularly violent or egregious child pornography;
- (5) Clarifies the element of electronic enticement of a child in the first degree regarding the intent to promote or facilitate the commission of another crime; and
- (6) Provides greater protection for children by adding mandatory sentencing provisions for certain serious child abuse and electronic enticement offenses.

Your Committee on Conference has amended this bill by, among other things:

- (1) Deleting provisions establishing the offense of electronic enticement of a child in the third degree;
- (2) Reducing to a misdemeanor the offense of indecent electronic display to a child;
- (3) Deleting amendments to the offense of promoting child abuse in the second degree;
- (4) Deleting amendments to the offense of promoting child abuse in the third degree;
- (5) Deleting amendments to the offense of electronic enticement of a child in the second degree;



- (6) Making numerous revisions to chapter 846E, Hawaii Revised Statutes, relating to, among other things, the registration of sex offenders and other covered offenders and public access to registration information;
- (7) Establishing the Adam Walsh Act Compliance Working Group to help ensure Hawaii's compliance with the guidelines for sex offender registration adopted by the Department of Justice;
- (8) Changing its effective date to upon approval with part II taking effect on January 1, 2009; and
- (9) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 3040, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 3040, H.D. 1, S.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



BRIAN T. TANIGUCHI, Chair



BLAKE K. OSHIRO, Chair



Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: HB 3040, HD 1, SD 1	Date/Time: 4/24/08 3:00pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure


The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

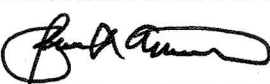
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TANIGUCHI, Brian T., Chr.	✓				OSHIRO, Blake K., Chr.	✓			
GABBARD, Mike	✓				LUKE, Sylvia	✓			
SLOM, Sam	✓				MARUMOTO, Barbara C.	✓			
TOTAL	3				TOTAL	3			

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is:
 Adopted Not Adopted

House Recommendation is:
 Adopted Not Adopted

Senate Lead Chair's or Designee's Signature:


House Lead Chair's or Designee's Signature:


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