

Honolulu, Hawaii
Feb 28, 2008

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

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 3040 entitled:

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

begs leave to report as follows:

The purpose of this bill is to revise the sex offender registry statutes to conform with recent changes to the federal model and to make other statutory changes to the criminal code.

The Department of the Attorney General, Department of the Prosecuting Attorney for the County of Maui, Department of the Prosecuting Attorney for the City and County of Honolulu, Honolulu Police Department, Maui County Police Department, Hawaii County Police Department, Hawaii Family Forum, Hawaii Catholic Conference, and a concerned individual supported this bill. The Office of the Public Defender opposed this measure.

Your Committee has amended this bill by:

- (1) Providing that the offense of electronic enticement of a child in the third degree only requires an agreement to meet with the minor;
- (2) Deleting the reckless state of mind, but leaving the knowing state of mind, as to the intended minor viewing the transmission for the offense of indecent electronic display to a child;

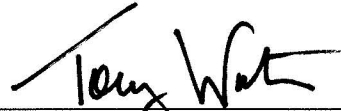


- (3) Requiring a mandatory minimum of one year incarceration for the offense of electronic enticement of a child in the first degree;
- (4) Deleting provisions regarding the offense of electronic enticement of a child in the second degree;
- (5) Deleting reference to the offenses of promoting child abuse in the second degree and third degree;
- (6) Reinserting the requirement of traveling to an agreed meeting place and at an agreed time for the offense of electronic enticement of a child in the second degree;
- (7) Deleting from the provisions for access to sex offender registration information:
 - (A) Information about travel routes or general area or work place;
 - (B) Location where the offender's vehicle is parked;
 - (C) Electronic link to the public criminal conviction of the covered offender;
- (8) Providing that the failure to provide information required by section 846E-2(d)(1) through section 846E-2(d)(12) gives rise to the offense of failure to comply with covered offender registration requirements;
- (9) Extending the effective date to January 1, 2112, to encourage further discussion; and
- (10) Making technical, nonsubstantive changes for clarity, consistency, and style.

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 H.B. No. 3040, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3040, H.D. 1, and be placed on the calendar for Third Reading.



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



TOMMY WATERS, Chair



