

HAWAII SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

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NUMBER OF REGISTERED SEX OFFENDERS

2,100 as of April 4, 2003.

1. WHO IS REQUIRED TO REGISTER?

Sex offenders are required to register.

(Haw. Rev. Stat. § 846E-1)

2. WHAT DOES "SEX OFFENDER" MEAN?

"Sex offender" means:

- (1) any person convicted of a sexually violent offense or a criminal offense against a minor victim; or
- (2) any person who is charged with a sexually violent offense or a criminal offense against a victim who is a minor and is found unfit to proceed or who is acquitted due to a physical or mental disease, disorder, or defect.

(Haw. Rev. Stat. § 846E-1)

3. WHAT DOES "SEXUALLY VIOLENT OFFENSE" MEAN?

"Sexually violent offense" means:

- (1) knowingly subjecting another person to an act of sexual penetration by strong compulsion;
- (2) knowingly engaging in sexual penetration with another person who is under 14;
- (3) knowingly subjecting another person to an act of sexual penetration by compulsion;
- (4) knowingly subjecting to sexual penetration another person who is mentally defective, mentally incapacitated, or physically helpless;
- (5) recklessly subjecting another person to an act of sexual penetration by compulsion;
- (6) knowingly subjecting to sexual contact an imprisoned person, a person committed to the Director of Public Safety, or a person residing in a private correctional facility operating in Hawaii, or causing the person to have sexual contact with the offender, when the offender is employed in a state correctional facility, by a private company providing services at a correctional facility, by a private company providing community-based residential services to persons committed to the Director of Public Safety, or by a private correctional facility;
- (7) knowingly subjecting another person to sexual contact by compulsion or causing another person to have sexual contact by compulsion;
- (8) a criminal offense comparable to a sexually violent offense listed in (1) through (7) above, or any federal or out-of-state conviction for any offense that, under the laws of Hawaii, would be a sexually violent offense; or

- (9) an attempt, criminal solicitation, or criminal conspiracy to commit an offense listed in (1) through (8) above.

(Haw. Rev. Stat. § 846E-1)

4. WHAT DOES “CRIMINAL OFFENSE AGAINST A VICTIM WHO IS A MINOR” MEAN?

“Criminal offense against a victim who is a minor” means any criminal offense that consists of:

- (1) kidnapping a minor, except by a parent;
- (2) unlawful imprisonment in the first degree of a minor, except by a parent;
- (3) criminal sexual conduct toward a minor;
- (4) solicitation of a minor under 14 to engage in sexual conduct;
- (5) use of a minor in a sexual performance;
- (6) solicitation of a minor to practice prostitution;
- (7) any conduct that is by its nature a sexual offense against a minor, excluding conduct that is criminal only because of the victim’s age, if the perpetrator is 18 or younger;
- (8) an attempt, criminal solicitation, or criminal conspiracy to commit an offense listed in (1) through (7) above; or
- (9) any state, federal, or military law similar to the offenses listed in (1) through (8) above.

(Haw. Rev. Stat. § 846E-1)

5. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

Please contact the Hawaii Criminal Justice Data Center or local law enforcement for information on juvenile offenders.

6. WHEN AND WHERE DOES AN OFFENDER REGISTER?

Each person in charge of a jail, prison, hospital, school, or other institution to which a sex offender has been committed pursuant to a conviction, an acquittal, or a finding of unfitness to proceed, for a sexually violent offense or a criminal offense against a victim who is a minor, and each judge who continues bail for or releases a sex offender following a guilty verdict or a plea of guilty or *nolo contendere*, who releases a sex offender on probation or who discharges a sex offender upon payment of a fine, and each agency having jurisdiction, must, prior to the discharge, parole, or release of the sex offender obtain from him or her all of the required registration information.

(Haw. Rev. Stat. § 846E-4(a))

Each sex offender, within three working days after release from incarceration or commitment, release on furlough, placement on parole, or placement on probation, or within three working days after arrival in a county in which he or she resides or expects to be present for a period exceeding 10 days, must register in person with the county chief of police having jurisdiction of the area in which he or she resides or is present.

(Haw. Rev. Stat. § 846E-4(e))

7. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

Registration information for each sex offender includes a recent photograph, verified fingerprints, and a signed statement by the offender containing:

- (1) his or her name, all aliases used, and all names under which he or she has been known;
- (2) other identifying information such as:
 - (a) date of birth;
 - (b) social-security number;
 - (c) sex;

- (d) race;
- (e) height and weight; and
- (f) hair and eye color;
- (3) the legal address and telephone number of his or her residence or mailing address, or any current, temporary address where he or she resides and how long he or she has resided at each address;
- (4) the legal address and telephone number where he or she is planning to reside if other than the stated residence;
- (5) names and legal addresses of current and known future employers and the starting and ending dates of any such employment;
- (6) names and legal addresses of current and known future educational institutions with which he or she is affiliated as a faculty member, an employee, or a student and the starting and ending dates of any such affiliation;
- (7) the year, make, model, color, and license number of all vehicles he or she currently owns or operates;
- (8) a summary of the criminal offenses against victims who were minors and sexually violent offenses for which he or she has been convicted, found unfit to proceed, or acquitted due to a physical or mental disease, disorder, or defect;
- (9) a statement indicating whether he or she has received or is currently receiving treatment for a mental abnormality or personality disorder;
- (10) a statement indicating whether he or she is a U.S. citizen; and
- (11) any additional identifying information.

(Haw. Rev. Stat. § 846E-2(b))

8. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

If a sex offender changes his or her name, employment, vehicle, residence address, or other registration information he or she must notify the Attorney General of Hawaii of the new registration information, in writing, within three working days.

(Haw. Rev. Stat. § 846E-4(3); § 846E-6(a))

9. WHAT HAPPENS IF AN OFFENDER MOVES FROM HAWAII TO ANOTHER STATE?

If a sex offender changes residence to another state, he or she must register the new address with the Attorney General of Hawaii and also with a designated law-enforcement agency in the new state, if the new state has a registration requirement, no later than 10 days after establishing residence in the new state.

(Haw. Rev. Stat. § 846E-4(4))

10. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO HAWAII REQUIRED TO REGISTER?

Within three working days after arrival in a county in which the sex offender resides or expects to be present for a period exceeding 10 days, he or she must register in person with the county chief of police having jurisdiction of the area in which he or she resides or is present.

(Haw. Rev. Stat. § 846E-4(e))

11. IS REGISTRATION A LIFETIME REQUIREMENT?

Registration is a lifetime requirement for sex offenders.

(Haw. Rev. Stat. § 846E-2(a))

12. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

Any person required to register who recklessly fails to comply with any of the registration requirements is guilty of a misdemeanor.

(Haw. Rev. Stat. § 846E-9(a)(1))

Any person required to register who intentionally or knowingly fails to comply with any of the registration requirements is guilty of a Class C felony.

(Haw. Rev. Stat. § 846E-9(a)(2))

For any second or subsequent offense, any person required to register who recklessly, intentionally, or knowingly fails to comply with any of the registration requirements is guilty of a Class C felony.

(Haw. Rev. Stat. § 846E-9(b))

13. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

According to state legislation, the Attorney General of Hawaii and any county police department must release relevant information that is necessary to protect the public concerning a specific person required to register. "Relevant information" includes:

- (1) name and all aliases used by the sex offender or under which the sex offender has been known;
- (2) the street name and zip code where the sex offender resides and how long the sex offender has resided there;
- (3) the street name and zip code where the sex offender is staying for more than 10 days, if other than the stated residence;
- (4) the future street name and zip code, if known, where the sex offender is planning to reside, if other than the stated residence;
- (5) the street name and zip code of the sex offender's current locations of employment;
- (6) names and legal addresses of current and known future educational institutions with which the sex offender is affiliated as a faculty member, an employee, or a student and the starting and ending dates of any such affiliation;
- (7) the year, make, model, color, and license number of all vehicles currently owned or operated by the sex offender;
- (8) a brief summary of the criminal offenses against victims who were minors and the sexually violent offenses for which the sex offender has been convicted, found unfit to proceed, or acquitted due to a physical or mental disease, disorder, or defect; and
- (9) a recent photograph of the sex offender.

(Haw. Rev. Stat. §§ 846E-3(a)(3), (b))

Release of relevant information is accomplished by public access to a file containing the relevant information on each registered sex offender, a copy of which is available for inspection upon request at the Hawaii Criminal Justice Data Center and at designated county police stations.

(Haw. Rev. Stat. § 846E-3(f))

In November 2001 the Hawaiian Supreme Court, in *State v. Bani*, 97 Haw. 285, struck down Hawaii's Megan's Law legislation as unconstitutional based on the public notification provision. Consequently community notification is no longer allowed. It remains unclear how the Hawaii State Legislature will respond.

14. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

No.