



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

LINDA LINGLE
GOVERNOR

Mark J. Bennett, Attorney General
Phone: (808) 586-1500
Fax: (808) 586-1239

For Immediate Release: Monday, May 9, 2005

News Release No. 2005-10

GOVERNOR LINGLE SIGNS SEX OFFENDER LAW

HONOLULU - Governor Linda Lingle today signed into law a bill (SB708) to increase public access to sex offender registration information.

Under the new law (Act 45), the public will have immediate Internet access to information on registered sex offenders who are repeat offenders, whose crimes are punishable by ten years or more of imprisonment, or who have committed certain other aggravated offenses. The law also requires immediate on-site access to information on registered offenders whose crimes are punishable by five years or more of imprisonment.

Attorney General Mark Bennett announced that the expanded Internet information is now available at Hawai'i's sex offender information Web site. The Department of the Attorney General maintains the state sex offender registry and operates the Web site at sexoffenders.hawaii.gov. On-site access will be available at designated police stations in every county, and at the Hawai'i Criminal Justice Data Center at 465 South King Street.

The new law implements a state constitutional amendment ratified by Hawai'i voters in the November 2004 general election, also known as "Megan's Amendment." It gave the public a right of access to registration information on persons convicted of certain sexual offenses and certain crimes against children, and allowed the Legislature to decide the conditions for public access. The amendment was in response to a 2001 State Supreme Court decision that prohibited public access to registration information on any sex offender, no matter how violent or repetitive his crimes, until the offender had a separate, additional hearing after conviction.

(more)

The sex offender law enacted today eliminates the separate hearing requirement. It allows for immediate public access to information on almost all current offenders and, for future offenses, it allows public access within one day of a conviction or as soon as practicable.

Offenders who wish to have their information removed from public access must petition the court to do so -- but only after ten to forty years after release from prison, depending on the seriousness of the crime. The court may allow termination of public access only if the offender has had no new convictions for covered offenses, and the offender is very unlikely to commit a covered offense ever again, and access to the information will not assist in protecting the public.

"One of our Administration's top priorities is to ensure the safety of our residents, especially our most vulnerable citizens—children and the elderly," said Governor Lingle. "This collaborative effort by the Legislature, the Law Enforcement Coalition, and victims rights groups will help protect people from sexual predators. I want especially to acknowledge the Attorney General and his staff for their continuing efforts to keep our residents and visitors safe."

"This information will protect all our citizens, especially our children," said Attorney General Mark Bennett. "It can save lives. Every parent should have the right to know when a child is potentially in harm's way. Knowing the whereabouts of convicted sex offenders helps people make informed decisions about safety in their own neighborhoods, and helps parents protect their children."

The new law is part of the Lingle-Aiona Administration's 2005 legislative package. The bill passed unanimously in both the Senate and the House of Representatives. Attorney General Bennett commended Senate and House leaders for their bipartisan efforts to pass this bill.

"This law is a tremendous accomplishment," he said.

The bill had the unanimous support of the Hawai'i Law Enforcement Coalition -- Hawai'i's four county prosecutors, four police chiefs, the United States Attorney for the District of Hawai'i, and the Attorney General. Parents, advocacy groups, and community organizations strongly supported the bill, including the Sex Abuse Treatment Center and the Hawai'i Coalition Against Sexual Assault.

There are more than 2,000 registered sex offenders in Hawai`i. Covered offenders must verify their address and other registration information every ninety days, and must report in person to the police every five years to have an updated photograph taken.

Lifetime registration is required for aggravated sex offenders, repeat covered offenders, and sexually violent predators. Others may petition the court to terminate registration requirements after a period of ten to twenty-five years after release from prison, depending on the seriousness of the offense, on the ground that registration is no longer necessary for the protection of the public.

#

For more information, contact:
Mark Bennett
Attorney General
(808) 586-1292
hawaiiag@hawaii.gov

Bridget Holthus
Special Assistant to the Attorney General
(808) 586-1284