

DEPARTMENT OF THE ATTORNEY GENERAL

Adoption of Chapter 5-25
Hawaii Administrative Rules

November 7, 2011

SUMMARY

Chapter 5-25, Hawaii Administrative Rules, entitled
"Covered Offender Registration", is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 5

DEPARTMENT OF THE ATTORNEY GENERAL

SUBTITLE 2

HAWAII CRIMINAL JUSTICE DATA CENTER

CHAPTER 25

COVERED OFFENDER REGISTRATION

- §5-25-1 Purpose
- §5-25-2 In-person verification
- §5-25-3 Community notification
- §5-25-4 Treatment of special classes of offenders

§5-25-1 Purpose. The purposes of this chapter are to establish procedures for in-person verification of covered offenders and community notification to subscribers and to establish provisions for special classes of offenders.
 [Eff JUN 29 2012] (Auth: HRS §§846E-2(g), 28-10.8)
 (Imp: HRS §§846E-2(g), 846E-3(c), 846E-4(e))

§5-25-2 In-person verification. (a) A covered offender shall report in person, every year, within the thirty-day period following the covered offender's date of birth, to one of the following agencies:

- (1) The chief of police where the covered offender resides;
- (2) The Hawaii paroling authority of the department of public safety; or
- (3) The investigations division of the department of the attorney general.

(b) Upon reporting to the agency, the covered offender shall review the existing information in the registry that is within the offender's knowledge, correct any information that has changed or is inaccurate, provide new registration information, and allow the agency to take a current photograph of the covered offender.

[Eff JUN 29 2012] (Auth: HRS §§846E-2(g), 846E-4(e))
(Imp: HRS §§846E-2(g), 846E-4(e))

§5-25-3 Community notification. (a) Community notification is a free service that notifies a subscriber electronically when a covered offender, within a specified zip code or a specified geographic range of an address provided by the subscriber, registers or updates registration information. The notification consists of a link to the covered offender's public registration record.

(b) Any individual or group with a valid email address may sign up for a subscription account at the Hawaii sex offender website at www.sexoffenders.hawaii.gov.

(c) The geographic range that may be specified is limited to within either one, two, or three miles of an address.

(d) The following information will be required from the subscriber:

- (1) Email address;
- (2) Location description;
- (3) Address; and
- (4) Geographic range or zip code area.

(e) The notification will work in the following manner:

- (1) When a covered offender's registration record is entered or updated, the registered addresses will be run against the subscription database;
- (2) When any of the registered addresses falls within the requested geographic range of a subscriber address in the subscription database or matches a requested zip code, an electronic notification will be sent to the subscriber.

(f) The department reserves the right to terminate a subscription upon finding misuse of the information by the subscriber.

[Eff JUN 29 2012] (Auth: HRS §846E-3(c)) (Imp: HRS §846E-3(c))

§5-25-4 Treatment of special classes of covered offenders. (a) The special classes of covered offenders are:

- (1) Class 1. Registered covered offenders who are not in Hawaii and are confirmed to be registered in another state or territory.
- (2) Class 2. Registered covered offenders who are not in Hawaii and are confirmed to be deported to another country.

(b) Registration for the classes of covered offenders named in subsection (a) shall be as required by law, but subject to the following provisions:

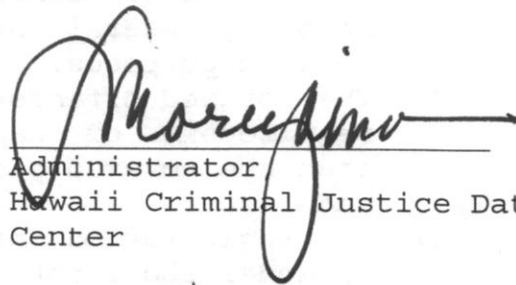
- (1) The registration information for the covered offender shall continue to be maintained by the attorney general for law enforcement and criminal justice purposes;
- (2) The covered offender shall not be subject to the requirements of chapter 846E, HRS, until such time that the covered offender returns to the State; and
- (3) The registration information for a class 1 offender shall not be made available to the public.

[Eff JUN 29 2012] (Auth: HRS §28-10.8) (Imp: HRS §28-10.8)


DEPARTMENT OF THE ATTORNEY GENERAL

Chapter 5-25, Hawaii Administrative Rules, on the summary page dated November 7, 2011, was adopted on November 7, 2011, following a public hearing held on October 25, 2011, after public notice was given in the Honolulu Star Advertiser, Kauai Publication Group, Maui News, Hawaii Tribune-Herald, and West Hawaii Today on September 19, 2011.

The adoption of chapter 5-25 shall take effect ten days after filing with the Office of the Lieutenant Governor.




Administrator
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APPROVED:



Neil Abercrombie
Governor
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Date: 6.19.12

APPROVED AS TO FORM:



Deputy Attorney General

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LIEUTENANT GOVERNOR'S
OFFICE

Filed