



DEPARTMENT OF THE ATTORNEY GENERAL

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Attorney General Connors leads bipartisan coalition of 37 Attorneys General urging ALI to Reject Amendments that Leave Victims of Sex Crimes Vulnerable and Put Children at Risk

HONOLULU - A bipartisan coalition of 37 Attorneys General, led by Attorney General Clare Connors (HI) and Attorney General Lynn Fitch (MS), wrote a letter to the American Law Institute (ALI) urging it to reject proposed changes to Section 213 of the Model Penal Code (MPC) that would weaken the ability of States to prosecute sexual assault, abuse, exploitation, and trafficking crimes; jeopardize victim safety; and restrict the ability of law enforcement to protect the general public from recidivist behavior.

“As Attorneys General, we urge the ALI to consider the danger the proposed changes would pose to the public, especially children, and abandon its plans to amend this article of the Model Penal Code ...,” wrote the Attorneys General. “The revisions contemplated fail to treat sex predators appropriately and would provide them more freedom to commit these heinous crimes, putting the citizens we represent at greater risk of becoming victims.”

“This letter reflects our Department’s long-standing commitment to safeguarding the community by ensuring our laws protect victims and support effective prosecution of these crimes,” said Attorney General Clare Connors. “The changes proposed by the American Law Institute will both reverse the progress we have made to hold sex traffickers accountable and increase the harm to victims of these offenses. Laws that favor bad actors at the expense of victims must be soundly rejected.”

Among the changes being considered by the ALI:

Regarding Sex Trafficking:

- Removes “advertising” and “obtains” as predicate acts that can be used to establish trafficking.
- Excludes criminal liability for those who knowingly benefit from their participation in sex trafficking.
- Requires the government to prove buyer knew, but recklessly disregarded, the fact a victim was under 18 years old.
- Mandates identification of a trafficker to establish that the crime of child sex trafficking has occurred.

- Excludes criminal liability for sex trafficking by buyers of commercial sex with minors.

Regarding Sex Offender Registries:

- Removes the following crimes as offenses that require registration:
 - o Kidnapping and attempted kidnapping
 - o Online enticement
 - o Sex trafficking
 - o Child sexual abuse material crimes (possession/distribution/production of child pornography)
 - o Sexual assault of minors older than 12 years of age
 - o Sexual assaults that do not involve force or restraint
- Permits only government law enforcement agencies to access registry information and denies access by the public and by non-profit organizations for prospective employees/applicants.
- Removes key identifiers from sex offender registry requirements, including:
 - o Date of birth
 - o Fingerprints and palm prints
 - o DNA sample
 - o Driver's license/identification card information
 - o Passport information (which would eviscerate provisions of International Megan's Law)
 - o Internet identifiers
- Removes sexual assault offenses by physical force or sexual assault of an incapacitated person from the registration requirement, requiring offenders to register only if the offender was previously convicted of a felony sexual offense.
- Limits registration for sexual assault of a minor to crimes where the victim is younger than 12 years old and the offender is 21 years old or older.
- Limits registration for incestuous sexual assault of a minor to crimes where the victim is under the age of 16 years old.
- Renders failure to register a misdemeanor.

The letter was signed by the Attorneys General of Hawaii, Mississippi, Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Guam, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virgin Islands, Virginia, and West Virginia.

A copy of the letter can be found [here](#).

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