

2021 Legislative Update

Joy San Buenaventura



Introduction

- ▶ Senator Joy San Buenaventura, District 2 (Puna-East Ka'ū)
 - ▶ Chair: Senate Committee on Human Services
 - ▶ Member: Senate Committees on Health and Commerce & Consumer Protection
 - ▶ Former House Majority Whip and Vice Chair, House Committee on Judiciary
 - ▶ Co-convenor: Keiki Caucus, Deaf-Blind Task Force

Families and Family Court

- ▶ **Act 036; SB630 - Child Support Enforcement; Judgments for Support**
 - ▶ Establishes that every judgment for child support is enforceable until paid in full.
- ▶ **Act 069; SB828 - Divorce; Physical Presence; Residency Requirement**
 - ▶ Grants exclusive original jurisdiction in matters of divorce to the family court of the circuit in which an applicant is domiciled at the time the application is filed. Repeals the requirement that a person be domiciled or physically present in the State for a continuous period of at least six months before applying for a divorce.
- ▶ **Act 211; SB157 - Marriage; License to Solemnize**
 - ▶ Authorizes the issuance of a civil license to solemnize marriage and allows solemnization by any individual at least eighteen years of age.



Deep Fakes and Protection of Privacy

- ▶ **Act 059; SB309 - Privacy in the First Degree; Deep Fakes**
 - ▶ Adds the intentional creation, disclosure, or threat of disclosure of certain types of deep fake images or videos to the offense of violation of privacy in the first degree. Class C felony.
- ▶ **Act 033; SB413 - Relating to Violation of Privacy**
 - ▶ Excludes violation of privacy in the first degree, and certain subsections of violation of privacy in the second degree, from qualifying for deferred acceptance of guilty plea or nolo contendere plea.



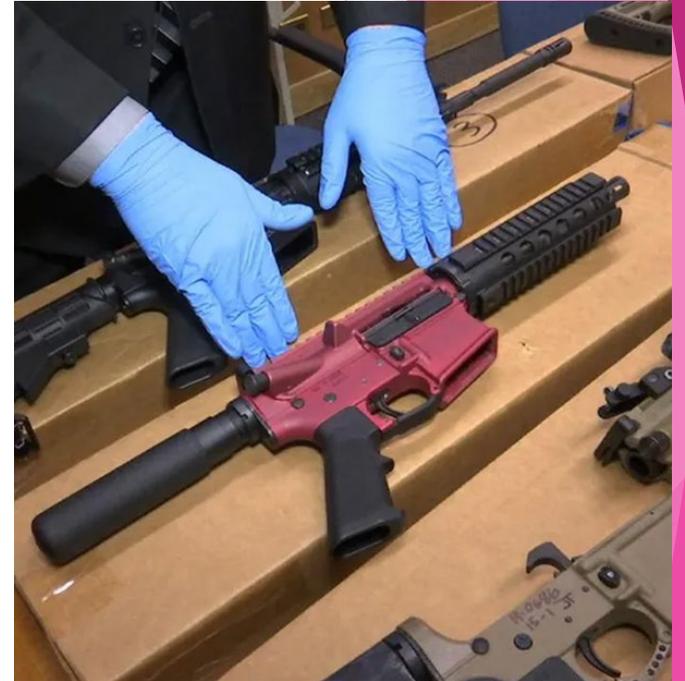
Sexual Assault Protections

- ▶ **Act 239; HB177 - Sexual Assault; Mentally Defective Persons; State of Mind**
 - ▶ Amends the offenses of sexual assault in the first and third degree perpetrated against a person who is mentally defective to provide that a perpetrator commits the offense if the perpetrator is negligent in not knowing of the mental defect of the victim.
- ▶ **Act 022; HB250 - Sexual Assault; Offenses Against Persons Stopped By or Accompanied By Law Enforcement Officers**
 - ▶ Includes as offenses of sexual assault in the second degree and sexual assault in the third degree, offenses against a person who is stopped by a law enforcement officer and a person who is accompanied by a law enforcement officer for official purposes.



Firearm and Electric Gun Safety

- ▶ **Act 149; HB1366 - Firearms; Ghost Guns; Parts; Possession; Prohibition**
 - ▶ Class C felony offense of manufacturing, purchasing, or obtaining firearm parts to assemble a firearm having no serial number to also prohibit possession of those firearm parts.
- ▶ **Act 183; HB891 - Electric Guns; Cartridges; Regulation**
 - ▶ Regulates the sale and use of electric guns and cartridges. Repeals the prohibition on the possession, sale, offer for sale, give, lend, or delivery of any electric gun.
- ▶ **Act 148; HB31 - Firearms; Storage; Responsibility with Respect to Minors**
 - ▶ Raises the maximum age of minors for which safe storage of firearms is required from sixteen to eighteen years.



Crime and Criminal Procedure

- ▶ **Act 184; HB1107 - Computer Crime; Forfeiture; Minors**
 - ▶ Adds aggravated harassment by stalking to the list of offenses upon which the offense of use of a computer in the commission of a separate crime may be based. Allows for forfeiture of property used in computer crimes if the perpetrator was a minor, regardless of whether the minor owned the property.



Parentage

- ▶ Act 201; HB1096 - Parentage; Task Force
 - ▶ Requires the Department of Health to convene a task force to recommend amendments to the Hawaii Revised Statutes to update existing parentage laws that reflect outdated, cisheteronormative concepts of families, parenthood, and parental rights.



Youth Protection

- ▶ **Act 026; HB975 - Child Abuse; Reporting; Immunity**
 - ▶ Adds immunity from civil and criminal liability for individuals who provide information or assistance in child abuse investigations.
- ▶ **Act 027; HB1237 - TROs; Injunctions; Protective Orders**
 - ▶ Clarifies that the effective period of a temporary restraining order, protective order, or injunction for a minor may extend to a reasonable date after the minor has reached the age of eighteen.
- ▶ **Act 061; SB386 - Detention of a Minor**
 - ▶ Requires a family court to make findings, before a minor can be transferred to an adult jail or lockup or be permitted sight or sound contact with adult offenders.



Youth Protection

- ▶ **Act 068; HB887 - Sex Trafficking, Prostitution, and Related Offenses**
 - ▶ Creates a separate offense for those who provide anything of value to engage in sexual conduct. Specifies that the offense of sex trafficking may be prosecuted at any time. Specifies that sex trafficking includes advancing or profiting from prostitution by certain means, including through coercion. Makes a person strictly liable for sex trafficking of a minor in terms of the victim's age. Renames offenses involving the solicitation of prostitution to commercial sexual exploitation. Increases the grade of offense to a class B felony.
- ▶ **Act 023; HB282 - Emergency Shelter; Minors; Consent; Providers**
 - ▶ Clarifies the definition of "provider" as it relates to the entities eligible to provide no cost emergency shelter and related services to a consenting minor to include certain organizations who are not considered child placing organizations or child caring institutions. Sunsets 6/30/2023.



Healthcare Access

- ▶ **Act 003; HB576 - Aspiration Abortions; Advanced Practice Registered Nurses; Scope of Practice**
 - ▶ Authorizes advanced practice registered nurses to perform medication or aspiration abortions.



Protections for Seniors

- ▶ **Act 147; HB490 - Offenses Against Seniors; Penal Code; Enhanced Penalties**
 - ▶ Lowers the age at which enhanced penalties apply for crimes against seniors from sixty-two years of age to sixty years of age. Makes commission of certain criminal offenses against a senior's person or property applicable if the perpetrator knows or reasonably should know the senior victim's age.



Anti-Racism

- ▶ **SCR40 & HCR112 - Racism; Public Health**
 - ▶ Declares racism as public health crisis. Assert and declare that racism is a public health crisis and urge the State as a whole to commit to understanding and addressing the effects of racism.
- ▶ **SCR66 & HCR154 - Asian Americans and Pacific Islanders; Hate Crimes**
 - ▶ Condemns all forms of anti-Asian sentiment relating to the COVID-19 pandemic and encourage state and county departments and agencies to take appropriate measures to address the effects of racism based on anti-Asian sentiment.



Women's Legislative Caucus

- ▶ **HB563/SB826 - Sex Offender; Residential Restriction; Former Victim**
 - ▶ Prohibits a sex offender from residing within two thousand feet of the sex offender's former victim or the victim's immediate family members. Requires the covered offender to receive approval from the Attorney General prior to a change in address.
 - ▶ These bills will carry over to the 2022 legislative session.



Women's Legislative Caucus

- ▶ **HB564/SB827 - Insurance; Breast Cancer Detection; Covered Service; Digital Mammography; Breast Tomosynthesis**
 - ▶ Increases the categories of women required to be covered for mammogram screenings. Requires the existing health insurance mandate for coverage of low-dose mammography to include digital mammography and breast tomosynthesis.
 - ▶ These bills will carry over to the 2022 legislative session.



Women's Legislative Caucus

- ▶ **SB828 - Divorce; Physical Presence; Residency Requirement**
 - ▶ Grants exclusive original jurisdiction in matters of divorce to the family court in which an applicant is domiciled at time the application is filed.



Women's Legislative Caucus

- ▶ **HB566 - Abuse of Family or Household Members; Coercive Control; Petty Misdemeanor**
 - ▶ Adds coercive control between family or household members to the pilot program to strengthen state and county responses to domestic violence and increase violator accountability.



Women's Legislative Caucus

- ▶ **HB567/SB830 - Telework; Telecommuting; Alternative Work Schedule; Work From Home; Study; LRB**
 - ▶ Requires the legislative reference bureau to conduct a study on telework and the use of alternative work schedules for state employees. A report of its findings and recommendations due by 2022 session.
 - ▶ These bills will carry over to the 2022 legislative session.



Women's Legislative Caucus

- ▶ **HCR11 - Hawaii State Commission on the Status of Women; Missing; Murdered; Native Hawaiian Women and Girls; Task Force; Study**
 - ▶ Requesting the Hawaii State Commission on the Status of Women to convene a task force to study missing and murdered Native Hawaiian women and girls.
 - ▶ Resolution adopted in final form 04/23/2021.



Bills of Interest

- ▶ SB519 - Automatic Voter Registration
- ▶ HB1376 - Mediation required for eviction
- ▶ HB499 - Prince Kuhio Mall Bill
- ▶ HB862 - HTA/PISCES

Other legislative topics for upcoming sessions:

- ▶ COVID-19 Recovery
- ▶ Early Childhood Education/Child Care
- ▶ Adult Mental Health and Substance Abuse
- ▶ Emancipation



Questions