

AGE OF CONSENT

In 2001, Hawaii Family Forum strongly supported HB 236 relating to sexual assault, which would make permanent the changes made to Hawaii's age of consent law in Act 1, Second Special Session, SLH 2001. See <http://www.capitol.hawaii.gov/splsession2001b/hb236.asp> for status.

HB 236 deleted knowledge of the age of a minor for purposes of sexual penetration and sexual contact with a minor; criminalizes subjecting to sexual penetration and sexual contact a minor who is age 14, if the actor is 19 years of age or older and not married to the minor and makes statutory language gender neutral. (HB236 CD1)

HISTORICAL CONTEXT: Prior to passage of Act 1, Hawaii was the only state in the nation where adults were legally free to have so-called consensual sex with 14 and 15 year-old minors. Hawaii Family Forum advocated for several years for a higher age of consent. In 2001, the Legislature, in bipartisan fashion, raised the age to 16. Then, when Governor Ben Cayetano vetoed the bill, the Legislature again demonstrated great leadership. The Legislature took the extraordinary step of overriding the Governor's veto in order to protect Hawaii's minors from adult sexual exploitation.

Act 1 raised the age of consent only temporarily, however, as the Act included a sunset provision of June 30, 2003. It also established a task force to examine the effectiveness of Act 1 and report back to the Legislature.

As a member of the task force, our own Kelly Rosati (executive director) was very gratified to learn of the positive impact of Act 1 from a law enforcement perspective. In a very short time, there were many prosecutions of adults much older than their victims. In one well-publicized example, a nearly 40-year-old man was caught by police having sex with a 15 year-old girl. This is an exploiter who will now be held accountable and who will finally be unable to violate other young victims. This would not have been possible without the change in the law. From our perspective, **Act 1 was very successful.**

This is likely why a **majority of the task force voted to make permanent the provisions of Act 1.** (11 members) There was also a healthy minority of members who voted to extend Act 1's provisions one additional year (7 members) to allow further study, while only 1 member expressed interest in maintaining the law as it existed before Act 1.

In 2003, HB 562 CD 1 was passed almost unanimously in both chambers: In the Senate, 24 members votes yes with 1 Excused: Senator Bunda. In the House, 49 members voted yes and 2 members Representative Bukoski and Representative Takamine were excused.

HB 562 CD 1 made permanent the age of consent for offenses of sexual assault in the 1st degree and sexual assault in the 3rd degree for persons who knowingly engage in sexual penetration with minors at least 14 years old but less than 16 years old, if the offender is not less than 5 years older than and is not married to the minor.

HB 562 was signed into law by the Governor on 5/21/2003 - Act 062.