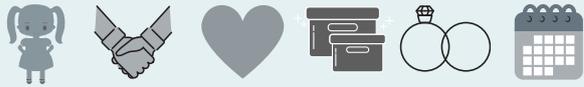


SCORECARD

REPORT CARD HAWAII | 2020



Final Score

68

Final Grade

C+

11 7 8 7 3 2

19 10 10 7 4 6

SCORECARD TOPLINES

Marriage is permitted for minors at 16 years of age with parental consent (but not judicial approval). Marriage is permitted for minors at 15 years of age with parental consent and judicial approval. The lowest age of consent for sexual contact is 16 years of age. The law does not account for a difference in age between the individuals engaging in sexual contact. The law accounts for a person's intoxication impacting their ability to consent but not in all circumstances. An exemption for spousal rape does exist under laws criminalizing statutory rape. The statute of limitations for the most serious felony sex crime is 10 years or less. The statute of limitations has not been eliminated for all felony sex crimes.

Child Marriage

The age of consent for marriage is generally 18 years of age. Marriage is permitted for minors at 16 years of age with parental consent. Marriage is permitted for minors at 15 years of age with parental consent and judicial approval. A lower age limit does not exist for marriage because one of the participants is pregnant or because the individuals are active members of the armed forces. Gender differences in the lowest age permitted do not exist.

Consent to Sexual Contact

The lowest age of consent for sexual contact is 16 years of age. The law does not account for a difference in age between the individuals engaging in sexual contact. The case law, but not statutory law, requires consent to be freely given or given by affirmative consent. The law accounts for the following impacting an individual's ability to consent to sexual contact: developmental disability or mental capacity; consciousness; and relationship between a victim and perpetrator. The law accounts for a person's intoxication impacting their ability to consent but not in all circumstances.

Discrimination & Hate Crimes

The state does have a hate crimes law and requires data collection on hate crimes. The state does not criminalize interference with religious worship. The state does have a penalty enhancement for crimes or an independent crime for crimes motivated by race, religion, or ethnicity. The state does have a penalty enhancement for crimes motivated by sexual orientation, disability, gender, or

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age. The state does have a penalty enhancement or an independent crime for crimes motivated by gender identity. The state does not have a penalty enhancement for crimes motivated by political affiliation.

Rape Kit Processing



The state has conducted an inventory of untested rape kits and the inventory is recurring. Testing of the backlog of untested rape kits has occurred through nonlegislative action. Mandatory testing of new rape kits is required to occur. A rape kit tracking system has been implemented through legislative action. A survivor's right to notice does exist. The state has provided funding for rape kit handling reform.

Spousal Rape



The state does not treat rape of a spouse differently than rape of an individual who is not a spouse of the perpetrator. The state does allow for conviction of a spouse for raping their partner if the partner is unconscious, drugged, or otherwise incapacitated. An exemption for spousal rape does exist under laws criminalizing statutory rape. An exemption for spousal rape or unwanted sexual contact does not exist under laws criminalizing sexual contact between people with a supervisory relationship.

Statute of Limitations for Sexual Crimes



The state does not have a reduced statute of limitations for criminal prosecution if a victim chooses not to report or delays reporting the crime. The statute of limitations for the most serious felony sex crime is 10 years or less. The statute of limitations has not been eliminated for all felony sex crimes. Exceptions to the statute of limitations do exist to allow an exception for DNA evidence. If a perpetrator's DNA match is found within the time constraints of the crime's existing statute of limitations, then 10 additional years is added to the statute of limitations for that crime.