

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 1312
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 1312 entitled:

"A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC HEALTH
AND MORALS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify and
update the sex trafficking and promoting prostitution criminal
offense statutes by:

- (1) Clarifying the definition of "profits from
prostitution";
- (2) Restructuring provisions that define terms or establish
exemptions for part I of chapter 712, Hawaii Revised
Statutes, to enhance readability; and
- (3) Making technical amendments to update statutory
references to part I of chapter 712, Hawaii Revised
Statutes.

Your Committee received testimony in support of this measure
from the Department of the Attorney General and one individual.

Your Committee received testimony in opposition to this
measure from the Office of the Public Defender.



Your Committee finds that in *State v. Ibarra*, the Hawaii Supreme Court held that "profits from prostitution" did not include repayment of a loan, thereby creating a safe harbor when a trafficker extends a loan or a service and categorizes proceeds received from prostituting the victims as a repayment. Your Committee further finds that one of the more common recruitment methods human traffickers use is to extend a loan to victims that force them into prostitution that can never be fully repaid. This measure will close the loophole created by *State v. Ibarra* by making clear that "profits from prostitution" includes money, things of value, or other property received, even if related to an agreement or understanding or a repayment of debt.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1312, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1312, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 1312	Committee Referral: JDC	Date: 2/19/25
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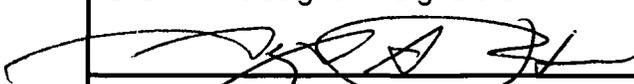
The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
GABBARD, Mike (VC)				/
CHANG, Stanley	/			
SAN BUENAVENTURA, Joy A.		/		
AWA, Brenton	/			
TOTAL	3	1		1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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***Only one measure per Record of Votes**