
A BILL FOR AN ACT

RELATING TO PROSTITUTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 712-1200, Hawaii Revised Statutes, is
2 amended by amending subsections (3) and (4) to read as follows:

3 "(3) Prostitution is a petty misdemeanor~~[-]~~, except as
4 provided in subsection (4)(c).

5 (4) A person convicted of committing the offense of
6 prostitution shall be sentenced as follows:

7 (a) For ~~[the]~~ a first offense, when the court has not
8 deferred further proceedings pursuant to chapter 853,
9 a mandatory fine of \$500 and the person may be
10 sentenced to a term of imprisonment of not more than
11 thirty days or probation; provided that in the event
12 the convicted person defaults in payment of the \$500
13 fine, and the default was not contumacious, the court
14 may sentence the person to perform services for the
15 community as authorized by section 706-605(1)~~[-]~~;

16 (b) For ~~[any subsequent]~~ a second offense, a mandatory
17 fine of \$500 and a term of imprisonment of thirty days
18 or probation, without possibility of deferral of



1 further proceedings pursuant to chapter 853 and
2 without possibility of suspension of sentence~~(-)~~;

3 (c) A third and any subsequent offense is a class C felony
4 without possibility of deferral of further proceedings
5 pursuant to chapter 853 and without possibility of
6 suspension of sentence; and

7 ~~(e)~~ (d) For the purpose of this subsection, if the court
8 has deferred further proceedings pursuant to chapter
9 853, and notwithstanding any provision of chapter 853
10 to the contrary, the defendant shall not be eligible
11 to apply for expungement pursuant to section 831-3.2
12 until four years following discharge. A plea
13 previously entered by a defendant under section 853-1
14 for a violation of this section shall be considered a
15 prior offense. When the court has ordered a sentence
16 of probation, the court may impose as a condition of
17 probation that the defendant complete a course of
18 prostitution intervention classes; provided that the
19 court may only impose such condition for one term of
20 probation."

21 SECTION 2. Section 712-1206, Hawaii Revised Statutes, is
22 amended to read as follows:



1 " [†]§712-1206[†] **Loitering for the purpose of engaging in**
2 **or advancing prostitution.** (1) For the purposes of this
3 section, "public place" means any street, sidewalk, bridge,
4 alley or alleyway, plaza, park, driveway, parking lot or
5 transportation facility or the doorways and entrance ways to any
6 building which fronts on any of the aforesaid places, or a motor
7 vehicle in or on any such place.

8 (2) Any person who remains or wanders about in a public
9 place and repeatedly beckons to or repeatedly stops, or
10 repeatedly attempts to stop, or repeatedly attempts to engage
11 passers-by in conversation, or repeatedly stops or attempts to
12 stop motor vehicles, or repeatedly interferes with the free
13 passage of other persons for the purpose of committing the crime
14 of prostitution as that term is defined in section 712-1200,
15 shall be guilty of a violation[~~-~~], except as provided in
16 paragraph (c), and shall be sentenced as follows:

17 (a) For a first offense, when the court has not deferred
18 further proceedings pursuant to chapter 853, a
19 mandatory fine of \$500 and the person may be sentenced
20 to a term of imprisonment of not more than thirty days
21 or probation; provided that in the event the convicted
22 person defaults in payment of the \$500 fine, and the



1 default was not contumacious, the court may sentence
2 the person to perform services for the community as
3 authorized by section 706-605(1);

4 (b) For a second offense, a mandatory fine of \$500 and a
5 term of imprisonment of thirty days or probation,
6 without possibility of deferral of further proceedings
7 pursuant to chapter 853 and without possibility of
8 suspension of sentence; and

9 (c) A third and any subsequent offense is a class C felony
10 without possibility of deferral of further proceedings
11 pursuant to chapter 853 and without possibility of
12 suspension of sentence.

13 (3) Any person who remains or wanders about in a public
14 place and repeatedly beckons to, or repeatedly stops, or
15 repeatedly attempts to engage passers-by in conversation, or
16 repeatedly stops or attempts to stop motor vehicles, or
17 repeatedly interferes with the free passage of other persons for
18 the purpose of committing the crime of advancing prostitution as
19 that term is defined in section 712-1201(1) is guilty of a petty
20 misdemeanor[-], except as provided in paragraph (c), and shall
21 be sentenced as follows:



1 (a) For a first offense, when the court has not deferred
2 further proceedings pursuant to chapter 853, a
3 mandatory fine of \$500 and the person may be sentenced
4 to a term of imprisonment of not more than thirty days
5 or probation; provided that in the event the convicted
6 person defaults in payment of the \$500 fine, and the
7 default was not contumacious, the court may sentence
8 the person to perform services for the community as
9 authorized by section 706-605(1);

10 (b) For a second offense, a mandatory fine of \$500 and a
11 term of imprisonment of thirty days or probation,
12 without possibility of deferral of further proceedings
13 pursuant to chapter 853 and without possibility of
14 suspension of sentence; and

15 (c) The third and any subsequent offense is a class C
16 felony without possibility of deferral of further
17 proceedings pursuant to chapter 853 and without
18 possibility of suspension of sentence."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun, before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on January 1, 2112.



Report Title:

Prostitution

Description:

Makes a third and subsequent conviction for prostitution and loitering to engage in or advance prostitution a class C felony.
(HB330 HD1)

