

GOV. MSG. NO. 789

EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE

June 6, 2008

The Honorable Colleen Hanabusa, President and Members of the Senate Twenty-Fourth State Legislature State Capitol, Room 409 Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 6, 2008, the following bill was signed into law:

SB2212 SD1 HD2 CD1

A BILL FOR AN ACT RELATING TO CRIME. (ACT 147)

Sincerely,

LINDA LINGLÈ

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Approved by the Governor on <u>JUN 6 2008</u>

THE SENATE TWENTY-FOURTH LEGISLATURE, 2008 STATE OF HAWAII

ACT 147 S.B. NO. ²²¹² S.D. 1 H.D. 2 C.D. 1

A BILL FOR AN ACT

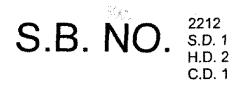
RELATING TO CRIME.

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

1	SECTION 1. Section 707-700, Hawaii Revised Statutes, is
2	amended by adding two new definitions to be appropriately
3	inserted and to read as follows:
4	"Labor" means work of economic or financial value.
5	"Services" means a relationship between a person and the
6	actor in which the person performs activities under the
7	supervision of or for the benefit of the actor. Prostitution-
8	related and obscenity-related activities as set forth in chapter
9	712 are forms of "services" under this section. Nothing in this
10	chapter shall be construed to legitimize or legalize
11	prostitution."
12	SECTION 2. Section 707-720, Hawaii Revised Statutes, is
13	amended by amending subsection (1) to read as follows:
14	"(1) A person commits the offense of kidnapping if the
15	person intentionally or knowingly restrains another person with
16	intent to:
17	(a) Hold that person for ransom or reward;
18	(b) Use that person as a shield or hostage;



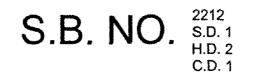
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1	(c)	Facilitate the commission of a felony or flight
2		thereafter;
3	(d)	Inflict bodily injury upon that person or subject that
4		person to a sexual offense;
5	(e)	Terrorize that person or a third person; [or]
6	(f)	Interfere with the performance of any governmental or
7		political function[+]; or
8	<u>(g)</u>	Unlawfully obtain the labor or services of that
9		person, regardless of whether related to the
10		collection of a debt."
11	SECT	ION 3. Section 707-721, Hawaii Revised Statutes, is
12	amended by	y amending subsection (1) to read as follows:
13	"(1)	A person commits the offense of unlawful imprisonment
14	in the fir	rst degree if the person knowingly restrains another
15	person[+	
16	(a)	Under] under circumstances which expose the person to
17		the risk of serious bodily injury[; or
18	-(b) -	In a condition of involuntary servitude]."
19	SECT	ION 4. Section 707-764, Hawaii Revised Statutes, is
20	amended to	read as follows:
21	*\$70 7	7-764 Extortion. A person commits extortion if the
22	person doe	es any of the following:

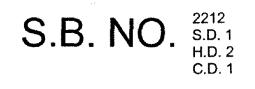
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1	(1)	Obta	ains, or exerts control over, the property, labor,
2		or s	services of another with intent to deprive another
3		of <u>r</u>	property, labor, or services by threatening by word
4		or o	conduct to:
5		(a)	Cause bodily injury in the future to the person
6			threatened or to any other person;
7		(b)	Cause damage to property or cause damage, as
8			defined in section 708-890, to a computer,
9			computer system, or computer network;
10		(c)	Subject the person threatened or any other person
11			to physical confinement or restraint;
12		(đ)	Commit a penal offense;
13		(e)	Accuse some person of any offense or cause a
14			penal charge to be instituted against some
15			person;
16		(f)	Expose a secret or publicize an asserted fact,
17			whether true or false, tending to subject some
18			person to hatred, contempt, or ridicule, or to
19			impair the threatened person's credit or business
20			repute;
21		(g)	Reveal any information sought to be concealed by

the person threatened or any other person;

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1	(h)	Testify or provide information or withhold
2		testimony or information with respect to
3		another's legal claim or defense;
4	(i)	Take or withhold action as a public servant, or
5		cause a public servant to take or withhold such
6		action;
7	(j)	Bring about or continue a strike, boycott, or
8		other similar collective action, to obtain
9		property that is not demanded or received for the
10		benefit of the group that the defendant purports
11		to represent; [or]
12	(k)	Destroy, conceal, remove, confiscate, or possess
13		any actual or purported passport, or any other
14		actual or purported government identification
15		document, or other immigration document, of
16		another person; or
17	[-{k}]	(1) Do any other act that would not in itself
18		substantially benefit the defendant but [which]
19		that is calculated to harm substantially some
20		person with respect to the threatened person's
21		health, safety, business, calling, career,

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1		financial condition, reputation, or personal
2		relationships;
3	(2)	Intentionally compels or induces another person to
4		engage in conduct from which another has a legal right
5		to abstain or to abstain from conduct in which another
6		has a legal right to engage by threatening by word or
7		conduct to do any of the actions set forth in
8		paragraph (1)(a) through $\left[\frac{k}{r}\right]$ (1); or
9	(3)	Makes or finances any extortionate extension of
10		credit, or collects any extension of credit by
11		extortionate means."
12	SECT	ION 5. Section 707-765, Hawaii Revised Statutes, is
13	amended b	y amending subsection (1) to read as follows:
14	"(1)	A person commits the offense of extortion in the
15	first deg	ree if the person commits extortion:
16	(a)	Of property, labor, or services the value of which
17		exceeds \$200 in total during any twelve-month period;
18		or
19	(b)	By making or financing any extortionate extension of
20		credit, or by collecting any extension of credit by
21		extortionate means."

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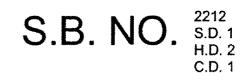
1	SECTION 6. Section 707-766, Hawaii Revised Statutes, is
2	amended by amending subsection (1) to read as follows:
3	"(1) A person commits the offense of extortion in the
4	second degree if the person commits extortion:
5	(a) Of property, labor, or services the value of which
6	exceeds \$50 during any twelve-month period; or
7	(b) As set forth in section 707-764(2)."
8	SECTION 7. Section 707-767, Hawaii Revised Statutes, is
9	amended by amending subsection (1) to read as follows:
10	"(1) A person commits the offense of extortion in the
11	third degree if the person commits extortion of property, labor,
12	or services."
13	SECTION 8. Section 712-1202, Hawaii Revised Statutes, is
14	amended to read as follows:
15	"\$712-1202 Promoting prostitution in the first degree.
16	(1) A person commits the offense of promoting prostitution in
17	the first degree if the person knowingly:
18	(a) Advances prostitution by compelling a person by
19	[criminal coercion] force, threat, or intimidation to
20	engage in prostitution, or profits from such coercive
21	conduct by another; or



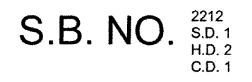
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1	(b) Advances or profits from prostitution of a person less
2	than [sixteen] eighteen years old.
3	(2) Promoting prostitution in the first degree is a
4	class B felony.
5	(3) As used in this section, "threat" means any of the
6	actions listed in section 707-764(1)."
7	SECTION 9. Section 712-1203, Hawaii Revised Statutes, is
8	amended by amending subsection (1) to read as follows:
9	"(1) A person commits the offense of promoting
10	prostitution in the second degree if the person knowingly[+
11	(a) Advances] advances or profits from prostitution by
12	managing, supervising, controlling, or owning, either
13	alone or in association with others, a house of
14	prostitution or a prostitution business or enterprise
15	involving prostitution activity by two or more
16	[prostitutes; or
17	(b) Advances or profits from prostitution of a person less
18	than eighteen years old.] prostituted persons."
19	SECTION 10. This Act does not affect rights and duties
20	that matured, penalties that were incurred, and proceedings that
21	were begun, before its effective date.



1 SECTION 11. Statutory material to be repealed is bracketed 2 and stricken. New statutory material is underscored.

3 SECTION 12. This Act shall take effect upon its approval.

APPROVED this 6 day of JUN , 2008

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GOVERNOR OF THE STATE OF HAWAII

