THE SENATE TWENTY-SIXTH LEGISLATURE, 2011 STATE OF HAWAII

S.B. NO.10/8

JAN 21 2011

A BILL FOR AN ACT

RELATING TO PROMOTING PROSTITUTION.

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

1 SECTION 1. Act 192, Session Laws of Hawaii 2008, is . 2 amended by amending section 1 to read as follows: 3 "SECTION 1. Chapter 712, Hawaii Revised Statutes, is 4 amended by adding a new section to be appropriately designated 5 and to read as follows: 6 "§712-Habitual solicitation of prostitution. (1) A 7 person commits the offense of habitual solicitation of

8 prostitution if the person is a habitual prostitution offender 9 and pays, agrees to pay, or offers to pay a fee to another 10 person to engage in sexual conduct.

11 For the purposes of this section, a person has the (2) 12 status of a "habitual prostitution offender" if the person, at 13 the time of the conduct for which the person is charged, had two 14 or more convictions within ten years of the instant offense for: 15 (a) Prostitution, in violation of section 712-1200; 16 (b) Street solicitation of prostitution, in violation of 17 section 712-1207;



S.B. NO. 1018

this section; (d) An offense of any other jurisdiction that is comparable to one of the offenses in paragraphs (a), (b), or (c); or (e) Any combination of the offenses in paragraphs (a), (b), (c), or (d). A conviction for purposes of this section is a judgment on the verdict or a finding of guilt, or a plea of guilty or nolo contendere. The convictions must have occurred on separate dates and be for separate incidents on separate dates. At the time of the instant offense, the conviction must not have been expunded by pardon, reversed, or set aside. (a) Habitual solicitation of prostitution is a			
 3 (d) An offense of any other jurisdiction that is comparable to one of the offenses in paragraphs (a), 5 (b), or (c); or 6 (e) Any combination of the offenses in paragraphs (a), 7 (b), (c), or (d). 8 A conviction for purposes of this section is a judgment on the 9 verdict or a finding of guilt, or a plea of guilty or nolo 10 contendere. The convictions must have occurred on separate 11 dates and be for separate incidents on separate dates. At the 12 time of the instant offense, the conviction must not have beer 13 expunged by pardon, reversed, or set aside. 14 (3) Habitual solicitation of prostitution is a 15 [misdemeanor.] class C felony."" 16 SECTION 2. Act 95, Session Laws of Hawaii 2010, is amend 17 by amending section 3 to read as follows: 18 "SECTION 3. This Act shall take effect upon its approval 19 and shall be repealed on June 30, 2012]." 20 SECTION 3. This Act does not affect rights and duties th 21 matured, penalties that were incurred, and proceedings that were 	1	(c)	Habitual solicitation of prostitution, in violation of
 comparable to one of the offenses in paragraphs (a), (b), or (c); or (e) Any combination of the offenses in paragraphs (a), (b), (c), or (d). A conviction for purposes of this section is a judgment on the verdict or a finding of guilt, or a plea of guilty or nolo contendere. The convictions must have occurred on separate dates and be for separate incidents on separate dates. At the time of the instant offense, the conviction must not have been expunged by pardon, reversed, or set aside. (3) Habitual solicitation of prostitution is a [misdemeanor.] class C felony."" SECTION 2. Act 95, Session Laws of Hawaii 2010, is amend by amending section 3 to read as follows: "SECTION 3. This Act shall take effect upon its approval and shall be repealed on June 30, 2012]." 	2		this section;
 (b), or (c); or (e) Any combination of the offenses in paragraphs (a), (b), (c), or (d). A conviction for purposes of this section is a judgment on the verdict or a finding of guilt, or a plea of guilty or nolo contendere. The convictions must have occurred on separate dates and be for separate incidents on separate dates. At the time of the instant offense, the conviction must not have been expunged by pardon, reversed, or set aside. (3) Habitual solicitation of prostitution is a [misdemeaner.] class C felony."" SECTION 2. Act 95, Session Laws of Hawaii 2010, is amend by amending section 3 to read as follows: "SECTION 3. This Act shall take effect upon its approval and shall be repealed on June 30, 2012]." SECTION 3. This Act does not affect rights and duties th matured, penalties that were incurred, and proceedings that we 	3	(d)	An offense of any other jurisdiction that is
 6 (e) Any combination of the offenses in paragraphs (a), 7 (b), (c), or (d). 8 A conviction for purposes of this section is a judgment on the 9 verdict or a finding of guilt, or a plea of guilty or nolo 10 contendere. The convictions must have occurred on separate 11 dates and be for separate incidents on separate dates. At the 12 time of the instant offense, the conviction must not have been 13 expunged by pardon, reversed, or set aside. 14 (3) Habitual solicitation of prostitution is a 15 [misdemeanor.] class C felony."" 16 SECTION 2. Act 95, Session Laws of Hawaii 2010, is amend 17 by amending section 3 to read as follows: 18 "SECTION 3. This Act shall take effect upon its approval 19 and shall be repealed on June 30, 2012]." 20 SECTION 3. This Act does not affect rights and duties th 21 matured, penalties that were incurred, and proceedings that were 	4		comparable to one of the offenses in paragraphs (a),
 (b), (c), or (d). A conviction for purposes of this section is a judgment on the verdict or a finding of guilt, or a plea of guilty or nolo contendere. The convictions must have occurred on separate dates and be for separate incidents on separate dates. At the time of the instant offense, the conviction must not have been expunged by pardon, reversed, or set aside. (3) Habitual solicitation of prostitution is a [misdemeaner.] class C felony."" SECTION 2. Act 95, Session Laws of Hawaii 2010, is amend by amending section 3 to read as follows: "SECTION 3. This Act shall take effect upon its approval and shall be repealed on June 30, 2012]." SECTION 3. This Act does not affect rights and duties th matured, penalties that were incurred, and proceedings that were 	5		(b), or (c); or
 8 A conviction for purposes of this section is a judgment on the 9 verdict or a finding of guilt, or a plea of guilty or nolo 10 contendere. The convictions must have occurred on separate 11 dates and be for separate incidents on separate dates. At the 12 time of the instant offense, the conviction must not have been 13 expunged by pardon, reversed, or set aside. 14 (3) Habitual solicitation of prostitution is a 15 [misdemeanor.] class C felony."" 16 SECTION 2. Act 95, Session Laws of Hawaii 2010, is amend 17 by amending section 3 to read as follows: 18 "SECTION 3. This Act shall take effect upon its approval 19 and shall be repealed on June 30, 2012]." 20 SECTION 3. This Act does not affect rights and duties th 21 matured, penalties that were incurred, and proceedings that were 	6	(e)	Any combination of the offenses in paragraphs (a),
9 verdict or a finding of guilt, or a plea of guilty or nolo contendere. The convictions must have occurred on separate dates and be for separate incidents on separate dates. At the time of the instant offense, the conviction must not have been expunged by pardon, reversed, or set aside. (3) Habitual solicitation of prostitution is a [misdemeanor.] class C felony."" SECTION 2. Act 95, Session Laws of Hawaii 2010, is amend by amending section 3 to read as follows: "SECTION 3. This Act shall take effect upon its approval and shall be repealed on June 30, 2012]." SECTION 3. This Act does not affect rights and duties th matured, penalties that were incurred, and proceedings that were	7		(b), (c), or (d).
<pre>10 contendere. The convictions must have occurred on separate 11 dates and be for separate incidents on separate dates. At the 12 time of the instant offense, the conviction must not have been 13 expunged by pardon, reversed, or set aside. 14 (3) Habitual solicitation of prostitution is a 15 [misdemeanor.] class C felony."" 16 SECTION 2. Act 95, Session Laws of Hawaii 2010, is amend 17 by amending section 3 to read as follows: 18 "SECTION 3. This Act shall take effect upon its approval 19 and shall be repealed on June 30, 2012]." 20 SECTION 3. This Act does not affect rights and duties th 21 matured, penalties that were incurred, and proceedings that were</pre>	8	A convict	ion for purposes of this section is a judgment on the
11 dates and be for separate incidents on separate dates. At the 12 time of the instant offense, the conviction must not have been 13 expunged by pardon, reversed, or set aside. 14 (3) Habitual solicitation of prostitution is a 15 [misdemeanor.] class C felony."" 16 SECTION 2. Act 95, Session Laws of Hawaii 2010, is amend 17 by amending section 3 to read as follows: 18 "SECTION 3. This Act shall take effect upon its approval 19 and shall be repealed on June 30, 2012]." 20 SECTION 3. This Act does not affect rights and duties th 21 matured, penalties that were incurred, and proceedings that we	9	verdict o	r a finding of guilt, or a plea of guilty or nolo
12 time of the instant offense, the conviction must not have been 13 expunged by pardon, reversed, or set aside. 14 (3) Habitual solicitation of prostitution is a 15 [misdemeanor.] class C felony."" 16 SECTION 2. Act 95, Session Laws of Hawaii 2010, is amend 17 by amending section 3 to read as follows: 18 "SECTION 3. This Act shall take effect upon its approval 19 and shall be repealed on June 30, 2012]." 20 SECTION 3. This Act does not affect rights and duties th 21 matured, penalties that were incurred, and proceedings that were 21 matured, penalties that were incurred, and proceedings that were	10	contendere. The convictions must have occurred on separate	
 expunged by pardon, reversed, or set aside. (3) Habitual solicitation of prostitution is a [misdemeanor.] class C felony."" SECTION 2. Act 95, Session Laws of Hawaii 2010, is amend by amending section 3 to read as follows: "SECTION 3. This Act shall take effect upon its approval and shall be repealed on June 30, 2012]." SECTION 3. This Act does not affect rights and duties th matured, penalties that were incurred, and proceedings that were 	11	dates and be for separate incidents on separate dates. At the	
 14 (3) Habitual solicitation of prostitution is a 15 [misdemeanor.] class C felony."" 16 SECTION 2. Act 95, Session Laws of Hawaii 2010, is amend 17 by amending section 3 to read as follows: 18 "SECTION 3. This Act shall take effect upon its approval 19 and shall be repealed on June 30, 2012]." 20 SECTION 3. This Act does not affect rights and duties th 21 matured, penalties that were incurred, and proceedings that we 	12	time of the instant offense, the conviction must not have been	
15 [misdemeanor.] <u>class C felony.</u> "" 16 SECTION 2. Act 95, Session Laws of Hawaii 2010, is amend 17 by amending section 3 to read as follows: 18 "SECTION 3. This Act shall take effect upon its approval 19 and shall be repealed on June 30, 2012]." 20 SECTION 3. This Act does not affect rights and duties th 21 matured, penalties that were incurred, and proceedings that we	13	expunged by pardon, reversed, or set aside.	
15 [misdemeanor.] <u>class C felony.</u> "" 16 SECTION 2. Act 95, Session Laws of Hawaii 2010, is amend 17 by amending section 3 to read as follows: 18 "SECTION 3. This Act shall take effect upon its approval 19 and shall be repealed on June 30, 2012]." 20 SECTION 3. This Act does not affect rights and duties th 21 matured, penalties that were incurred, and proceedings that we	14	(3)	Habitual solicitation of prostitution is a
 16 SECTION 2. Act 95, Session Laws of Hawaii 2010, is amend 17 by amending section 3 to read as follows: 18 "SECTION 3. This Act shall take effect upon its approval 19 and shall be repealed on June 30, 2012]." 20 SECTION 3. This Act does not affect rights and duties th 21 matured, penalties that were incurred, and proceedings that we 	15		
 17 by amending section 3 to read as follows: 18 "SECTION 3. This Act shall take effect upon its approval 19 and shall be repealed on June 30, 2012]." 20 SECTION 3. This Act does not affect rights and duties the 21 matured, penalties that were incurred, and proceedings that we 		SECTION 2. Act 95, Session Laws of Hawaii 2010, is amended	
 18 "SECTION 3. This Act shall take effect upon its approval and shall be repealed on June 30, 2012]." 20 SECTION 3. This Act does not affect rights and duties the 21 matured, penalties that were incurred, and proceedings that we 			
19 and shall be repealed on June 30, 2012]." 20 SECTION 3. This Act does not affect rights and duties the 21 matured, penalties that were incurred, and proceedings that we			
20 SECTION 3. This Act does not affect rights and duties the 21 matured, penalties that were incurred, and proceedings that we		A	
21 matured, penalties that were incurred, and proceedings that we			
22 begun before its effective date.			
	22	L I	
SB LRB 11-1167.doc		SB LRB 11	

Page 2

S.B. NO. 1018

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

3 SECTION 5. This Act shall take effect on July 1, 2011.

INTRODUCED BY:

By Request

4



S.B. NO. 1018

Report Title:

Promoting Prostitution

Description:

Amends Act 192, Session Laws of Hawaii 2008, to make the offense of habitual solicitation of prostitution a class C felony.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

