

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 240
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 240 entitled:

"A BILL FOR AN ACT RELATING TO PROMOTING PROSTITUTION,"

begs leave to report as follows:

The purpose and intent of this measure is to afford witnesses
in cases involving promoting prostitution the highest priority to
receive government security and protection.

Your Committee received testimony in support of this measure
from the Department of the Attorney General, Department of the
Prosecuting Attorney of the City and County of Honolulu, The
Pacific Alliance to Stop Slavery, Downtown Neighborhood Board No.
13, and one individual.

Your Committee finds that prostitution remains a concern
within Hawaii communities, not only for the prostitution activity
itself, but also for the criminal conduct that it can bring to the
area within which it occurs. However, there are also concerns
that some of those engaged in prostitution are victims of human
traffickers or others and are thus coerced into prostitution.
Accordingly, it is incumbent on the State to craft legislation
that combats those who benefit most from the prostitution, the
traffickers and pimps, while providing protection to victims of
traffickers who step forward seeking safety, and addresses the
demand for prostitution by assuring that habitual patrons are
penalized when they engage in this conduct. Your Committee
believes that thoughtful legislation in these areas will act to



protect those victimized by prostitution, including those coerced into prostitution and residents of sensitive communities that must grapple with the effects of prostitution and related criminal activities.

Your Committee notes that in addition to this measure, two measures - H.B. No. 241, H.D. 1, and H.B. No. 242, H.D. 1 - that were referred to your Committee attempt to address different parts of this complex issue. H.B. 240 addresses the protection of victims of traffickers who step forward. H.B. 241, H.D. 1, increases penalties for the offenses of promoting prostitution in order to deter traffickers and pimps. H.B. 242, H.D. 1, addresses habitual patrons of prostitutes, thereby decreasing demand for these services. Your Committee believes that the combination of these three measures will provide a comprehensive way to deal with the complex issue of prostitution within a single vehicle.

Accordingly, your Committee has amended this measure by:

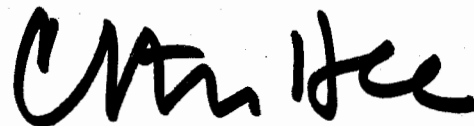
- (1) Adding the contents of H.B. 241, H.D. 1, as part II to the measure, which:
 - (A) Amends section 712-1202, Hawaii Revised Statutes, by upgrading promoting prostitution in the first degree from a class B felony to a class A felony;
 - (B) Amends section 712-1202, Hawaii Revised Statutes, to include "fraud" among the means of compelling or coercing an individual into prostitution and defining "fraud";
 - (C) Amends section 712-1203, Hawaii Revised Statutes, by upgrading the offense of promoting prostitution in the second degree from a class C felony to a class B felony;
 - (D) Repealing the offense of promoting prostitution in the third degree, amending the offense of promoting prostitution in the second degree so that conduct previously prohibited under promoting prostitution in the third degree is incorporated within the second degree offense, and making conforming amendments;



- (2) Adding the contents of H.B. 242, H.D. 1, as part III, which:
 - (A) Amends sections 712-1200 and 712-1207, Hawaii Revised Statutes, by expanding the offenses of prostitution and solicitation of prostitution to include the patrons of prostitution in order to address the concerns raised from the case State v. Espinoza;
 - (B) Makes the offense of habitual solicitation of prostitution a class C felony; and
 - (C) Removes the sunset date of Act 192, Session Laws of Hawaii 2009 to permanently establish the offense of habitual solicitation of prostitution; and
- (3) 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 and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 240, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 240, S.D. 1, and be placed on the calendar for Third Reading.

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



CLAYTON HEE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">HB 240</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">JDL</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">4/7/11</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam				✓
TOTAL	4	0	0	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center;">Maile</div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

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