

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 226
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Public Safety, Government Operations, and
Military Affairs, to which was referred S.B. No. 226 entitled:

"A BILL FOR AN ACT RELATING TO PROSTITUTION,"

begs leave to report as follows:

The purpose and intent of this measure, with regard to the
law on street solicitation of prostitution, is to:

- (1) Allow an arresting officer to impound the vehicle of the person soliciting a prostitute if the motor vehicle was used in the commission of the crime and the person arrested is the registered owner of the vehicle or the vehicle is a rental vehicle;
- (2) Require counties to establish ordinances for the impoundment and return of motor vehicles and rental vehicles; and
- (3) Allow counties to enact ordinances to establish reasonable fees for the processing and storage of impounded vehicles.

Your Committee received testimony in support of this measure from Imua Alliance, The Pacific Alliance to Stop Slavery, Equality Now, and three individuals. Testimony in opposition was received from the Honolulu Police Department.



Your Committee finds that this measure is an effective deterrent to the commission of crimes of prostitution when a motor vehicle is used in the course of the solicitation. This measure is aimed at persons who entice prostitutes to commit a sex crime. The disabling of a vehicle would prevent the person from using the vehicle again within a certain amount of time.

Your Committee has amended this measure by:

- (1) Making the measure apply to the crimes of prostitution, promoting prostitution, promoting prostitution in the second degree, street solicitation of prostitution in designated areas, and solicitation of prostitution near schools or public parks;
- (2) Authorizing the use of a wheel boot or wheel clamp instead of storage of the vehicle in a county facility, in consideration of the lack of county storage yards;
- (3) Adding a special fine as a penalty which shall be divided for deposit into the domestic violence and sexual assault special fund for programs and services under the fund as well as to provide counseling to victims of domestic violence or sexual assault, and into the general fund of the county in which the arrest occurred;
- (4) Making a grant-in-aid appropriation to each county to purchase wheel boots or wheel clamps; and
- (5) 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 Public Safety, Government Operations, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 226, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 226, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Government Operations, and
Military Affairs,



WILL ESPERO, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

Bill / Resolution No.:* SB 226	Committee Referral: PGM, JDL	Date: 2-14-12		
<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;"> <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 </div>				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
KIDANI, Michelle N. (VC)	✓			
BAKER, Rosalyn H.	✓			
RYAN, Pohai				✓
SLOM, Sam				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> Distribution: Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy </div>				

*Only one measure per Record of Votes