STAND. COM. REP. NO. 1068-12

Honolulu, Hawaii

March 16, 2012

RE: S.B. No. 2576

S.D. 1 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 2576, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PROSTITUTION,"

begs leave to report as follows:

The purpose of this measure is to authorize a person convicted of a prostitution-related offense to file a motion to vacate the conviction under certain circumstances, and to establish procedures for the motion to vacate.

The Pacific Alliance to Stop Slavery, Polaris Project, and several concerned individuals testified in support of this measure. The IMUAlliance supported this measure with amendments. The Department of the Attorney General opposed this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu provided comments.

Your Committee notes that concerns were raised by several testifiers. The Department of the Attorney General stated that a process is already in place that allows convicted defendants to appropriately challenge judgments of conviction, but that the process to vacate prostitution convictions as set forth in this measure is inconsistent with the State's criminal justice system and invites misuse and abuse.

The Department of the Prosecuting Attorney of the City and County of Honolulu also raised concerns, noting that an appeal to the appellate courts or recourse to Rule 40 of the Hawaii Rules of Penal Procedure may be more appropriate methods of achieving the goal that this measure is attempting to reach. Although the department recommended that this measure be deferred, it also suggested amendments in the event this measure moves forward.

The Polaris Project proposed an amendment to give judges broader discretion to take additional action as necessary or as justice requires.

Your Committee has amended this measure by:

- (1) Changing the term "vacate" to "discharge" with regard to a judgment or motion filed under this measure; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2576, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2576, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Human Services,

JOHN M. MIZUNO,

SB2576 HD1 HSCR HUS HMS 2012-2902

State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Human Services

SB 2576, SD1 t	ommittee Referral: -{US, JUD, F	-1 N Da	te: 3/15/2012	•
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	V			
2. JORDAN, Jo (VC)				"
2. JOHDAN, JU (VC)	V			
3. BELATTI, Della Au				/
4. HANOHANO, Faye P.				· .
4. HANOHANO, Faye P.		V		
5. LEE, Chris	V			
(MODULAWA D				· .
6. MORIKAWA, Dee	V			
7. WOOLEY, Jessica				
Q WAMANIE Drom I				
8. YAMANE, Ryan I.	·			V
9. CHING, Corinne W.L.				
10. DINE Kumbark Marcas				
10. PINE, Kymberly Marcos				V
1 100				
	-			
TOTAL (10)	5			4
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				