STAND. COM. REP. NO. \3\4-12

Honolulu, Hawaii

Marh 23, 2012

RE: S.B. No. 2579

S.D. 2 H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2579, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose of this measure is to assist children who have been sexually exploited by, among other things:

- (1) Requiring the Department of Human Services to develop a victim services program to address the needs of sexually exploited children and minors at risk of being sexually exploited;
- (2) Granting the Family Court exclusive original jurisdiction in proceedings involving persons under eighteen years of age who are charged with specified offenses and later granted an exemption;
- (3) Increasing the statute of limitations for promotion of prostitution by coercion to six years from two years and adding additional conditions under which the statute of limitations will be tolled; and
- (4) Allowing an exemption from prosecution under specified offenses involving prostitution if it is determined that

the person was less than eighteen years of age at the time the offense was allegedly committed.

The Polaris Project and several concerned individuals supported this bill. Imua Alliance, The Pacific Alliance to Stop Slavery, and a concerned individual supported this measure with amendments. The Department of Human Services and Honolulu Police Department opposed this bill. The Department of the Attorney General, Department of Health, Department of the Prosecuting Attorney of the City and County of Honolulu, and Harm Reduction Hawaii provided comments.

Your Committee has amended this measure by:

- (1) Removing language stating that sexually exploited children may be subject to the protective custody of a law enforcement agent when the child's family is unable to provide for the child's health or safety;
- (2) Inserting language stating that sexually exploited children may be subject to no cost emergency shelter and related services provided by the Department of Human Services when the child communicates informed consent to the rules and requirements of the shelter and services;
- (3) Removing provisions that grant the Family Court exclusive original jurisdiction in proceedings involving persons under eighteen years of age who are charged with specified offenses and later granted an exemption;
- (4) Removing provisions that increase the statute of limitations for promotion of prostitution by coercion to six years from two years and adding additional conditions under which the statute of limitations will be tolled;
- (5) Changing its effective date to January 7, 2059, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2579, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2579, S.D. 2, H.D. 2.

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

GILBERT KEITH-ACARAN, Chair



State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: C SB 2579 SD2 HD1	Committee Referral: HUS, JUD, FIN		Date: 3/22/12	
☐ 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)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)		-		
2. RHOADS, Karl (VC)	/			
3. BROWER, Tom	/			The state of the s
4. CABANILLA, Rida T.R.	✓ ✓			
5. CARROLL, Mele		and the same of th		
6. COFFMAN, Denny	/			
7. HERKES, Robert N.				
8. ITO, Ken				
9. LUKE, Sylvia				
10. McKELVEY, Angus L.K.	<i>-</i>			
11. SOUKI, Joseph M.				
12. TSUJI, Clift	<u></u>			
13. FONTAINE, George R.				
14. MARUMOTO, Barbara C.	\(\triangle \)			
15. THIELEN, Cynthia	<u> </u>			
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TOTAL (15)	13	l	0	ł
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				