

JAN 23 2015

A BILL FOR AN ACT

RELATING TO PROSTITUTION.

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

1 SECTION 1. Section 712-1200, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§712-1200 Prostitution. (1) A person commits the
4 offense of prostitution if the person:

5 (a) Engages in, or agrees or offers to engage in, sexual
6 conduct with another person for a fee; or

7 (b) Pays, agrees to pay, or offers to pay a fee to another
8 to engage in sexual conduct.

9 (2) As used in subsection (1), "sexual conduct" means
10 "sexual penetration", "deviate sexual intercourse", or "sexual
11 contact", as those terms are defined in section 707-700, or
12 "somasochistic abuse" as defined in section 707-752.

13 (3) Prostitution is a petty misdemeanor.

14 (4) A person convicted of committing the offense of
15 prostitution shall be sentenced as follows:

16 (a) For the first offense, when the court has not deferred
17 further proceedings pursuant to chapter 853, a fine of



1 not less than \$500 but not more than \$1,000 and the
2 person may be sentenced to a term of imprisonment of
3 not more than thirty days or probation; provided that
4 in the event the convicted person defaults in payment
5 of the fine, and the default was not contumacious, the
6 court may sentence the person to perform services for
7 the community as authorized by section 706-605(1).

8 (b) For any subsequent offense, a fine of not less than
9 \$500 but not more than \$1,000 and a term of
10 imprisonment of thirty days or probation, without
11 possibility of deferral of further proceedings
12 pursuant to chapter 853 and without possibility of
13 suspension of sentence.

14 (c) For the purpose of this subsection, if the court has
15 deferred further proceedings pursuant to chapter 853,
16 and notwithstanding any provision of chapter 853 to
17 the contrary, the defendant shall not be eligible to
18 apply for expungement pursuant to section 831-3.2
19 until four years following discharge. A plea
20 previously entered by a defendant under section 853-1
21 for a violation of this section shall be considered a



1 prior offense. When the court has ordered a sentence
2 of probation, the court may impose as a condition of
3 probation that the defendant complete a course of
4 prostitution intervention classes; provided that the
5 court may only impose such condition for one term of
6 probation.

7 (5) This section shall not apply to any member of a police
8 department, a sheriff, or a law enforcement officer acting in
9 the course and scope of duties, unless engaged in sexual
10 penetration or sadomasochistic abuse.

11 (6) In addition to the penalties imposed under subsection
12 (4), a person convicted under subsection (1)(b) shall be
13 sentenced to no less than eight hours in a prostitution offender
14 education program that provides counseling and education
15 services to the defendant regarding prostitution and the effects
16 that prostitution has on victims of prostitution, including
17 violence against prostituted persons, health risks associated
18 with prostitution, and the effects of prostitution on families
19 and communities."

20 SECTION 2. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2015-2016 for
2 the judiciary to carry out the purposes of this Act.

3 The sum appropriated shall be expended by the judiciary for
4 the purposes of this Act.

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. New statutory material is underscored.

9 SECTION 5. This Act shall take effect on July 1, 2015.

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S.B. NO. 919

Report Title:

Prostitution; Sentencing; Prostitution Offender Education Program; Appropriation

Description:

Requires persons convicted of the offense of prostitution for paying, agreeing to pay, or offering to pay a fee to another to engage in sexual conduct to serve no less than eight hours in a prostitution offender education program. Appropriates funds to the judiciary.

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