
A BILL FOR AN ACT

RELATING TO CRIME.

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

1 SECTION 1. Sex trafficking is an ever-evolving criminal
2 enterprise in which traffickers and exploiters find various
3 means to sexually exploit the most vulnerable in our community.
4 As traffickers change tactics to avoid accountability, our
5 criminal justice system and understanding of sex trafficking
6 must continue to evolve as well.

7 Protecting victims from sexual exploitation and holding
8 offenders accountable is difficult given the disparity in power
9 between the victims and perpetrators. Therefore, amending
10 Hawaii's sex trafficking laws to better reflect the current
11 reality and challenges will improve outcomes for trafficking
12 victims and survivors.

13 Legal terminology is vital to our understanding of sex
14 trafficking in the criminal justice system and in our general
15 community. Creating a separate crime for individuals who
16 purchase people for sex, changing the name of a crime from
17 "solicitation of a minor for prostitution" to "commercial sexual



1 exploitation of a minor", and eliminating the pronoun
2 "prostitute" will further this objective.

3 Given the seriousness of the offense, the level of the
4 offense for perpetrators who purchase children for sex should be
5 increased to a class B felony. Additionally, due to the fear,
6 trauma, and psychological tactics utilized by traffickers,
7 victims are reluctant to come forward and seek justice until
8 they feel safe and free from their exploiters. Therefore,
9 eliminating the statute of limitation for sex trafficking is
10 necessary to hold these offenders accountable.

11 Perpetrators have escaped criminal culpability by
12 exploiting gaps in Hawaii's laws. Adding the rendering of
13 anything of value as a means of compensation, in addition to a
14 fee, will protect those victims who are being sexually exploited
15 in exchange for drugs, housing, and other non-monetary
16 compensation, while also making our law consistent with the
17 federal definition of human trafficking. Additionally, amending
18 the law to account for situations in which a trafficker or
19 third-party is negotiating or profiting from the exploitation of
20 a minor is necessary to hold the buyer accountable.



1 SECTION 2. Chapter 712, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§712- Commercial sexual exploitation. (1) A person
5 commits the offense of commercial sexual exploitation if the
6 person provides, agrees to provide, or offers to provide a fee
7 or anything of value to another to engage in sexual conduct.

8 (2) As used in this section:

9 "Sexual conduct" has the same meaning as in
10 section 712-1200(2).

11 (3) Except as provided in subsection (4), commercial
12 sexual exploitation is a petty misdemeanor.

13 (4) Commercial sexual exploitation is a class C felony if
14 the person who commits the offense under subsection (1) does so
15 in reckless disregard of the fact that the person exploited is a
16 victim of sex trafficking.

17 (5) A person convicted of committing the offense of
18 commercial sexual exploitation as a petty misdemeanor shall be
19 sentenced as follows:

20 (a) For the first offense, a fine of no less than \$500 but
21 no more than \$1,000 and the person may be sentenced to



1 a term of imprisonment of no more than thirty days or
2 probation; provided that in the event the convicted
3 person defaults in payment of the fine, and the
4 default was not contumacious, the court may make an
5 order converting the unpaid portion of the fine to
6 community service as authorized by section 706-605(1);

7 (b) For any subsequent offense, a fine of no less than
8 \$500 but no more than \$1,000 and a term of
9 imprisonment of thirty days or probation, without
10 possibility of suspension of sentence; and

11 (c) For the purpose of this subsection, when the court has
12 ordered a sentence of probation, the court may impose
13 as a condition of probation that the defendant
14 complete a course of exploitation intervention
15 classes; provided that the court may only impose the
16 condition for one term of probation.

17 (6) This section shall not apply to any member of a police
18 department, a sheriff, or a law enforcement officer acting in
19 the course and scope of duties during undercover operations.

20 Under no circumstances shall sexual penetration or



1 sadomasochistic abuse be considered to fall within the course
2 and scope of duties."

3 SECTION 3. Section 701-108, Hawaii Revised Statutes, is
4 amended by amending subsection (1) to read as follows:

5 "(1) A prosecution for murder, murder in the first and
6 second degrees, attempted murder, [~~and~~] attempted murder in the
7 first and second degrees, criminal conspiracy to commit murder
8 in any degree, criminal solicitation to commit murder in any
9 degree, sexual assault in the first and second degrees, sex
10 trafficking, and continuous sexual assault of a minor under the
11 age of fourteen years may be commenced at any time."

12 SECTION 4. Section 712-1200, Hawaii Revised Statutes, is
13 amended as follows:

14 1. By amending subsection (1) to read as follows:

15 "(1) A person commits the offense of prostitution if the
16 person[+

17 ~~(a) Engages]~~ engages in, or agrees or offers to engage in,
18 sexual conduct with another person in return for a
19 fee[~~+ or~~

20 ~~(b) Pays, agrees to pay, or offers to pay a fee to another~~
21 ~~to engage in sexual conduct.]~~ or anything of value."



1 2. By amending subsections (3) through (5) to read as
2 follows:

3 "(3) Prostitution is a petty misdemeanor; provided that[+]

4 ~~(a) If~~ if the person who commits the offense under

5 subsection (1) ~~(a)~~ is a minor, prostitution is a
6 violation[; and

7 ~~(b) If the person who commits the offense under~~

8 ~~subsection (1) (b) does so in reckless disregard of the~~
9 ~~fact that the other person is a victim of sex~~
10 ~~trafficking, prostitution is a class C felony].~~

11 (4) A person convicted of committing the offense of
12 prostitution as a petty misdemeanor shall be sentenced as
13 follows:

14 (a) For the first offense, when the court has not deferred
15 further proceedings pursuant to chapter 853, a fine of
16 ~~[not]~~ no less than \$500 but ~~[not]~~ no more than \$1,000
17 and the person may be sentenced to a term of
18 imprisonment of ~~[not]~~ no more than thirty days or
19 probation; provided that in the event the convicted
20 person defaults in payment of the fine, and the
21 default was not contumacious, the court may ~~[sentence~~



1 ~~the person to perform services for the community] make~~
2 ~~an order converting the unpaid portion of the fine to~~
3 ~~community service as authorized by~~
4 ~~section 706-605(1) [-];~~

5 (b) For any subsequent offense, a fine of [~~not~~] no less
6 than \$500 but [~~not~~] no more than \$1,000 and a term of
7 imprisonment of thirty days or probation, without
8 possibility of deferral of further proceedings
9 pursuant to chapter 853 and without possibility of
10 suspension of sentence[-]; and

11 (c) For the purpose of this subsection, if the court has
12 deferred further proceedings pursuant to chapter 853,
13 and notwithstanding any provision of chapter 853 to
14 the contrary, the defendant shall not be eligible to
15 apply for expungement pursuant to section 831-3.2
16 until three years following discharge. A plea
17 previously entered by a defendant under section 853-1
18 for a violation of this section shall be considered a
19 prior offense. [~~When the court has ordered a sentence~~
20 ~~of probation, the court may impose as a condition of~~
21 ~~probation that the defendant complete a course of~~



1 ~~prostitution intervention classes; provided that the~~
2 ~~court may only impose the condition for one term of~~
3 ~~probation.]~~

4 (5) This section shall not apply to any member of a police
5 department, a sheriff, or a law enforcement officer acting in
6 the course and scope of duties [~~, unless engaged in~~] during
7 undercover operations. Under no circumstances shall sexual
8 penetration or sadomasochistic abuse [✓] be considered to fall
9 within the course and scope of duties."

10 SECTION 5. Section 712-1201, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§712-1201 Advancing prostitution; profiting from**
13 **prostitution; definition of terms.** In sections 712-1202
14 and 712-1203:

15 (1) A person "advances prostitution" if [~~, acting other~~
16 ~~than as a prostitute or a patron of a prostitute,~~] the
17 person knowingly causes or aids a person to commit or
18 engage in prostitution, procures or solicits patrons
19 for prostitution, provides persons for prostitution
20 purposes, permits premises to be regularly used for
21 prostitution purposes, operates or assists in the



1 operation of a house of prostitution or a prostitution
2 enterprise, or engages in any other conduct designed
3 to institute, aid, or facilitate an act or enterprise
4 of prostitution[-];

5 (2) A person "profits from prostitution" if [~~acting~~
6 ~~other than as a prostitute receiving compensation for~~
7 ~~personally rendered prostitution services,~~] the person
8 accepts or receives money, anything of value, or other
9 property pursuant to an agreement or understanding
10 with any person whereby the person participates or is
11 to participate in the proceeds of prostitution
12 activity[-]; and

13 (3) The definitions in subsections (1) and (2) do not
14 include those engaged in conduct outlined in
15 section 712-1200 as the prostituted person, or in
16 conduct outlined in section 712- as the person
17 engaged in commercial sexual exploitation."

18 SECTION 6. Section 712-1202, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§712-1202 Sex trafficking.** (1) A person commits the
21 offense of sex trafficking if the person knowingly:



1 (a) Advances prostitution or profits from prostitution by
2 compelling or inducing a person by force, threat,
3 fraud, coercion, or intimidation to engage in
4 prostitution[, ~~or profits from such conduct by~~
5 ~~another~~]; or

6 (b) Advances or profits from prostitution of a minor[~~+~~
7 ~~provided that with respect to the victim's age, the~~
8 ~~prosecution shall be required to prove only that the~~
9 ~~person committing the offense acted negligently~~].

10 (2) Sex trafficking is a class A felony.

11 (3) As used in this section:

12 "Fraud" means making material false statements,
13 misstatements, or omissions.

14 "Minor" means a person who is less than eighteen years of
15 age.

16 "Threat" means any of the actions listed in
17 section 707-764(1).

18 (4) The state of mind requirement for the offense under
19 subsection (1)(b) is not applicable to the fact that the victim
20 was a minor. A person is strictly liable with respect to the
21 attendant circumstances that the victim was a minor."



1 SECTION 7. Section 712-1207, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending its title and subsections (1) and (2) to
4 read:

5 "**§712-1207 Street [~~solicitation of~~] prostitution[+] and**
6 **commercial sexual exploitation; designated areas.** (1) It shall
7 be unlawful for any person within the boundaries of Waikiki and
8 while on any public property to:

9 (a) Offer or agree to engage in sexual conduct with
10 another person in return for a fee[+] or anything of
11 value; or

12 (b) [~~Pay, agree to pay, or offer to pay~~] Provide, agree to
13 provide, or offer to provide a fee or anything of
14 value to another person to engage in sexual conduct.

15 (2) It shall be unlawful for any person within the
16 boundaries of other areas in this State designated by county
17 ordinance pursuant to subsection (3), and while on any public
18 property to:

19 (a) Offer or agree to engage in sexual conduct with
20 another person in return for a fee[+] or anything of
21 value; or



1 (b) [~~Pay, agree to pay, or offer to pay~~] Provide, agree to
2 provide, or offer to provide a fee or anything of
3 value to another person to engage in sexual conduct."

4 2. By amending subsection (9) to read:

5 "(9) This section shall apply to all counties; provided
6 that if a county enacts an ordinance to regulate street
7 [~~solicitation for prostitution,~~] prostitution and commercial
8 sexual exploitation, other than an ordinance designating an area
9 as a zone of significant prostitution-related activity, the
10 county ordinance shall supersede this section and no person
11 shall be convicted under this section in that county."

12 SECTION 8. Section 712-1209, Hawaii Revised Statutes, is
13 amended by amending its title and subsections (1) and (2) to
14 read as follows:

15 "[~~+~~§712-1209[~~-~~] ~~Solicitation of prostitution~~] Commercial
16 sexual exploitation near schools or public parks. (1) A person
17 commits the offense of [~~solicitation of prostitution~~] commercial
18 sexual exploitation near schools or public parks if, within
19 seven hundred fifty feet of a school or public park, the person
20 [~~offers or agrees to pay~~] provides, agrees to provide, or offers



1 to provide a fee or anything of value to another person to
2 engage in sexual conduct.

3 (2) [~~Solicitation of prostitution~~] Commercial sexual
4 exploitation near schools or public parks is a misdemeanor."

5 SECTION 9. Section 712-1209.1, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§712-1209.1 [Solicitation] Commercial sexual exploitation**
8 **of a minor [for prostitution]**. (1) A person eighteen years of
9 age or older commits the offense of [~~solicitation~~] commercial
10 sexual exploitation of a minor [~~for prostitution~~] if the person
11 intentionally, knowingly, or recklessly [~~offers or agrees to pay~~
12 ~~a fee to a minor or to a member of a police department, a~~
13 ~~sheriff, or a law enforcement officer who represents that~~
14 ~~person's self as a minor to engage in sexual conduct.~~]:

15 (a) Provides anything of value to a minor or third person
16 as compensation for having engaged in sexual conduct
17 with a minor;

18 (b) Agrees to provide or offers to provide anything of
19 value to a minor or third person for the purpose of
20 engaging in sexual conduct with a minor; or



1 (c) Solicits, offers to engage in, or requests to engage
2 in sexual conduct with a minor in return for anything
3 of value.

4 (2) [~~Solicitation~~] Commercial sexual exploitation of a
5 minor [~~for prostitution~~] is a class [C] B felony.

6 (3) [A] In addition to any other authorized disposition, a
7 person convicted of committing the offense of [~~solicitation~~]
8 commercial sexual exploitation of a minor [~~for prostitution~~]
9 shall be [~~imposed~~] sentenced to pay a fine of [not] no less than
10 \$5,000 [~~, provided that \$5,000 of the imposed fine shall be~~
11 ~~credited to the general fund~~].

12 (4) This section shall not apply to any member of a police
13 department, a sheriff, or a law enforcement officer [~~who offers~~
14 ~~or agrees to pay a fee to a minor~~] while acting in the course
15 and scope of duties.

16 (5) The state of mind requirement for [~~this~~] the offense
17 under subsection (1)(a) is not applicable to the fact that the
18 [~~person solicited~~] victim was a minor. A person is strictly
19 liable with respect to the attendant circumstance that the
20 [~~person solicited~~] victim was a minor.



1 (6) Consent of a minor to the sexual conduct does not
2 constitute a defense to any offense in this section.

3 ~~[(6)]~~ (7) For purposes of this section:

4 "Minor" means a person who is less than eighteen years of
5 age.

6 "Sexual conduct" has the same meaning as in
7 section 712-1200(2)."

8 SECTION 10. Section 712-1209.5, Hawaii Revised Statutes,
9 is amended to read as follows:

10 "~~[(7)]~~ **§712-1209.5** ~~[(7)]~~ **Habitual** ~~[solicitation of~~
11 ~~prostitution.]~~ **commercial sexual exploitation.** (1) A person
12 commits the offense of habitual ~~[solicitation of prostitution]~~
13 commercial sexual exploitation if the person is a habitual
14 ~~[prostitution]~~ commercial sexual exploitation offender and
15 ~~[pays, agrees to pay, or offers to pay]~~ provides, agrees to
16 provide, or offers to provide a fee or anything of value to
17 another person to engage in sexual conduct.

18 (2) For the purposes of this section, a person has the
19 status of a "habitual ~~[prostitution]~~ commercial sexual
20 exploitation offender" if the person, at the time of the conduct



1 for which the person is charged, had two or more convictions
2 within ten years of the instant offense for:

- 3 (a) [~~Prostitution,~~] Commercial sexual exploitation, in
4 violation of section [~~712-1200(1)(b),~~] 712- ;
- 5 (b) Street [~~solicitation of~~] prostitution[~~]~~ and
6 commercial sexual exploitation, in violation of
7 section 712-1207(1)(b) [~~]~~ or (2)(b) ;
- 8 (c) Habitual [~~solicitation of prostitution,~~] commercial
9 sexual exploitation, in violation of this section;
- 10 (d) An offense of this jurisdiction or any other
11 jurisdiction that is comparable to one of the offenses
12 in paragraph (a), (b), or (c); or
- 13 (e) Any combination of the offenses in paragraph (a), (b),
14 (c), or (d).

15 A conviction for purposes of this section is a judgment on the
16 verdict or a finding of guilt, or a plea of guilty or nolo
17 contendere. The convictions [~~must~~] shall have occurred on
18 separate dates and be for separate incidents on separate dates.
19 At the time of the instant offense, the conviction [~~must~~] shall
20 not have been expunged by pardon, reversed, or set aside.



1 (3) Habitual [~~solicitation of prostitution~~] commercial
2 sexual exploitation is a class C felony."

3 SECTION 11. Section 712-1209.6, Hawaii Revised Statutes,
4 is amended to read as follows:

5 "**§712-1209.6 Prostitution; motion to vacate conviction.**

6 (1) A person convicted of committing the offense of
7 prostitution under section 712-1200[~~(1)(a)~~], loitering for the
8 purpose of engaging in or advancing prostitution under
9 section 712-1206(2), street [~~solicitation of~~] prostitution and
10 commercial sexual exploitation in designated areas under
11 section 712-1207(1) (a) or [~~712-1207~~](2) (a), or convicted of a
12 lesser offense when originally charged with a violation of
13 section 712-1200[~~(1)(a)~~], 712-1206(2), or 712-1207(1) (a)
14 or [~~712-1207~~](2) (a), may file a motion to vacate the conviction
15 if the defendant is not subsequently convicted of any offense
16 under the Hawaii Penal Code within three years after the date of
17 the original conviction.

18 (2) The court shall hold a hearing on a motion filed under
19 this section to review the defendant's record over the three
20 years after the date of the original conviction under
21 section 712-1200[~~(1)(a)~~], 712-1206(2), or 712-1207(1) (a)



1 or (2) (a) or conviction of a lesser offense when originally
2 charged with a violation of any of those sections, and if the
3 court finds that the defendant has not been convicted of any
4 offense under the [~~penal code~~] Hawaii Penal Code within this
5 three year period, the court shall vacate the conviction."

6 SECTION 12. Section 712A-4, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§712A-4 Covered offenses.** Offenses for which property is
9 subject to forfeiture under this chapter are:

- 10 (a) All offenses that specifically authorize forfeiture;
- 11 (b) Murder[]; kidnapping[]; labor trafficking[];
12 unlicensed sale of liquor[]; unlicensed manufacture
13 of liquor[]; gambling[]; criminal property
14 damage[]; robbery[]; bribery[]; extortion[];
15 theft[]; unauthorized entry into motor vehicle[];
16 burglary[]; money laundering[]; trademark
17 counterfeiting[]; insurance fraud[]; promoting a
18 dangerous, harmful, or detrimental drug[]; commercial
19 promotion of marijuana[]; methamphetamine
20 trafficking[]; manufacturing of a controlled
21 substance with a child present[]; promoting child



1 abuse[~~7~~]; promoting prostitution[~~7~~]; sex
2 trafficking[~~7~~]; [~~solicitation~~] commercial sexual
3 exploitation of a minor [~~for prostitution~~], habitual
4 [~~solicitation of prostitution~~] commercial sexual
5 exploitation; or electronic enticement of a child that
6 is chargeable as a felony offense under state law;

7 (c) The manufacture, sale, or distribution of a controlled
8 substance in violation of chapter 329, promoting
9 detrimental drugs or intoxicating compounds, promoting
10 pornography, promoting pornography for minors, or
11 [~~solicitation of prostitution~~] commercial sexual
12 exploitation near schools or public parks, which is
13 chargeable as a felony or misdemeanor offense, but not
14 as a petty misdemeanor, under state law; and

15 (d) The attempt, conspiracy, solicitation, coercion, or
16 intimidation of another to commit any offense for
17 which property is subject to forfeiture."

18 SECTION 13. Section 806-83, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:



- 1 "(a) Criminal charges may be instituted by written
2 information for a felony when the charge is a class C felony,
3 except under:
- 4 (1) Section 159-28 (bribery related to the Hawaii Meat
5 Inspection Act);
 - 6 (2) Section 161-28 (bribery related to the Hawaii Poultry
7 Inspection Act);
 - 8 (3) Section 707-712.5 (assault against a law enforcement
9 officer in the first degree);
 - 10 (4) Section 707-716 (terroristic threatening in the first
11 degree);
 - 12 (5) Section 707-732 (sexual assault in the third degree);
 - 13 (6) Section 707-741 (incest);
 - 14 (7) Section 707-752 (promoting child abuse in the third
15 degree);
 - 16 (8) Section 708-880 (commercial bribery);
 - 17 (9) Section 709-904.5 (compensation by an adult of
18 juveniles for crimes);
 - 19 (10) Section 710-1026.9 (resisting an order to stop a motor
20 vehicle in the first degree);
 - 21 (11) Section 710-1070 (bribery of or by a witness);



- 1 (12) Section 710-1071 (intimidating a witness);
- 2 (13) Section 710-1072.2 (retaliating against a witness);
- 3 (14) Section 710-1073 (bribery of or by a juror);
- 4 (15) Section 710-1075 (jury tampering);
- 5 (16) Section 710-1075.5 (retaliating against a juror);
- 6 (17) Section 711-1106.4 (aggravated harassment by
- 7 stalking);
- 8 (18) Section 711-1110.9 (violation of privacy in the first
- 9 degree);
- 10 (19) Section 712-1208 (promoting travel for prostitution);
- 11 [~~(20)~~ ~~Section 712-1209.1 (solicitation of a minor for~~
- 12 ~~prostitution);~~
- 13 ~~(21)]~~ (20) Section 712-1209.5 (habitual [~~solicitation of~~
- 14 ~~prostitution);~~] commercial sexual exploitation);
- 15 [~~(22)]~~ (21) Section 712-1215 (promoting pornography for
- 16 minors);
- 17 [~~(23)]~~ (22) Section 712-1218 (failure to maintain age
- 18 verification records of sexual performers);
- 19 [~~(24)]~~ (23) Section 712-1218.5 (failure to maintain age
- 20 verification records of sexually exploited
- 21 individuals); and



1 [~~25~~] (24) Section 712-1219 (failure to affix information
2 disclosing location of age verification records of
3 sexual performers)."

4 SECTION 14. Section 846E-1, Hawaii Revised Statutes, is
5 amended by amending the definition of "sexual offense" to read
6 as follows:

7 ""Sexual offense" means an offense that is:

- 8 (1) Set forth in section 707-730(1), 707-731(1),
9 707-732(1), 707-733(1)(a), 707-733.6, 712- (4),
10 712-1202(1), or 712-1203(1), but excludes conduct that
11 is criminal only because of the age of the victim, as
12 provided in section 707-730(1)(b), or
13 section 707-732(1)(b) if the perpetrator is under the
14 age of eighteen;
- 15 (2) An act defined in section 707-720 if the charging
16 document for the offense for which there has been a
17 conviction alleged intent to subject the victim to a
18 sexual offense;
- 19 (3) An act that consists of:



- 1 (A) Criminal sexual conduct toward a minor, including
- 2 but not limited to an offense set forth in
- 3 section 707-759;
- 4 (B) Solicitation of a minor who is less than fourteen
- 5 years old to engage in sexual conduct;
- 6 (C) Use of a minor in a sexual performance;
- 7 (D) Production, distribution, or possession of child
- 8 pornography chargeable as a felony under
- 9 section 707-750, 707-751, or 707-752;
- 10 (E) Electronic enticement of a child chargeable under
- 11 section 707-756 or 707-757 if the offense was
- 12 committed with the intent to promote or
- 13 facilitate the commission of another covered
- 14 offense as defined in this section; or
- 15 (F) [~~Solicitation~~] Commercial sexual exploitation of
- 16 a minor [~~for prostitution~~] in violation of
- 17 section 712-1209.1;
- 18 (4) A violation of privacy under section 711-1110.9;
- 19 (5) An act, as described in chapter 705, that is an
- 20 attempt, criminal solicitation, or criminal conspiracy



- 1 to commit one of the offenses designated in
2 paragraphs (1) through (4);
- 3 (6) A criminal offense that is comparable to or that
4 exceeds a sexual offense as defined in paragraphs (1)
5 through (5); or
- 6 (7) Any federal, military, out-of-state, tribal, or
7 foreign conviction for any offense that under the laws
8 of this State would be a sexual offense as defined in
9 paragraphs (1) through (6)."

10 SECTION 15. Section 853-4, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

- 12 "(a) This chapter shall not apply when:
- 13 (1) The offense charged involves the intentional, knowing,
14 reckless, or negligent killing of another person;
- 15 (2) The offense charged is:
- 16 (A) A felony that involves the intentional, knowing,
17 or reckless bodily injury, substantial bodily
18 injury, or serious bodily injury of another
19 person; or
- 20 (B) A misdemeanor or petty misdemeanor that carries a
21 mandatory minimum sentence and that involves the



1 intentional, knowing, or reckless bodily injury,
2 substantial bodily injury, or serious bodily
3 injury of another person;
4 provided that the prohibition in this paragraph shall
5 not apply to offenses described in
6 section 709-906(18);
7 (3) The offense charged involves a conspiracy or
8 solicitation to intentionally, knowingly, or
9 recklessly kill another person or to cause serious
10 bodily injury to another person;
11 (4) The offense charged is a class A felony;
12 (5) The offense charged is nonprobationable;
13 (6) The defendant has been convicted of any offense
14 defined as a felony by the Hawaii Penal Code or has
15 been convicted for any conduct that if perpetrated in
16 this State would be punishable as a felony;
17 (7) The defendant is found to be a law violator or
18 delinquent child for the commission of any offense
19 defined as a felony by the Hawaii Penal Code or for
20 any conduct that if perpetrated in this State would
21 constitute a felony;



- 1 (8) The defendant has a prior conviction for a felony
2 committed in any state, federal, or foreign
3 jurisdiction;
- 4 (9) A firearm was used in the commission of the offense
5 charged;
- 6 (10) The defendant is charged with the distribution of a
7 dangerous, harmful, or detrimental drug to a minor;
- 8 (11) The defendant has been charged with a felony offense
9 and has been previously granted deferred acceptance of
10 guilty plea or no contest plea for a prior offense,
11 regardless of whether the period of deferral has
12 already expired;
- 13 (12) The defendant has been charged with a misdemeanor
14 offense and has been previously granted deferred
15 acceptance of guilty plea or no contest plea for a
16 prior felony, misdemeanor, or petty misdemeanor for
17 which the period of deferral has not yet expired;
- 18 (13) The offense charged is:
- 19 (A) Escape in the first degree;
- 20 (B) Escape in the second degree;
- 21 (C) Promoting prison contraband in the first degree;



- 1 (D) Promoting prison contraband in the second degree;
- 2 (E) Bail jumping in the first degree;
- 3 (F) Bail jumping in the second degree;
- 4 (G) Bribery;
- 5 (H) Bribery of or by a witness;
- 6 (I) Intimidating a witness;
- 7 (J) Bribery of or by a juror;
- 8 (K) Intimidating a juror;
- 9 (L) Jury tampering;
- 10 (M) Promoting prostitution;
- 11 (N) Abuse of family or household member except as
- 12 provided in paragraph (2) and
- 13 section 709-906(18);
- 14 (O) Sexual assault in the second degree;
- 15 (P) Sexual assault in the third degree;
- 16 (Q) A violation of an order issued pursuant to
- 17 chapter 586;
- 18 (R) Promoting child abuse in the second degree;
- 19 (S) Promoting child abuse in the third degree;
- 20 (T) Electronic enticement of a child in the first
- 21 degree;



- 1 (U) Electronic enticement of a child in the second
2 degree;
- 3 (V) [~~Prostitution~~] Commercial sexual exploitation
4 pursuant to section [~~712-1200(1)(b)~~] 712- ___;
- 5 (W) Street [~~solicitation of~~] prostitution and
6 commercial sexual exploitation under
7 section 712-1207(1)(b) [~~+~~] or (2)(b);
- 8 (X) [~~Solicitation of prostitution~~] Commercial sexual
9 exploitation near schools or public parks under
10 section 712-1209;
- 11 (Y) Habitual [~~solicitation of prostitution~~]
12 commercial sexual exploitation under
13 section 712-1209.5; or
- 14 (Z) [~~Solicitation~~] Commercial sexual exploitation of
15 a minor [~~for prostitution~~] under
16 section 712-1209.1;
- 17 (14) The defendant has been charged with:
- 18 (A) Knowingly or intentionally falsifying any report
19 required under [~~chapter 11,~~] part XIII of
20 chapter 11, with the intent to circumvent the law
21 or deceive the campaign spending commission; or



1 (B) Violating section 11-352 or 11-353; or
2 (15) The defendant holds a commercial driver's license and
3 has been charged with violating a traffic control law,
4 other than a parking law, in connection with the
5 operation of any type of motor vehicle."

6 SECTION 16. This Act does not affect rights and duties
7 that matured, penalties that were incurred, and proceedings that
8 were begun, before the effective date of this Act.

9 SECTION 17. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 18. This Act shall take effect on July 1, 3021.



Report Title:

Crime; Sex Trafficking, Prostitution, and Related Offenses

Description:

Creates a separate offense for those who provide anything of value to engage in sexual conduct with another. Adds sex trafficking to offenses that can be prosecuted at any time. Makes a person strictly liable for sex trafficking of a minor in terms of the victim's age. Changes the name of the crime of solicitation of a minor for prostitution to commercial sexual exploitation of a minor. Increases the grade of offense to a class B felony. Adds "anything of value" as a type of compensation for purposes of engaging in commercial sexual exploitation. Effective 7/1/3021. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

