
A BILL FOR AN ACT

RELATING TO PROSTITUTION.

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

1 SECTION 1. Section 712-1209.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§712-1209.6 Prostitution; motion to vacate conviction[~~+~~
4 or plea. (1) A person convicted of or who had a nolo
5 contendere or guilty plea deferred and dismissed by the court
6 under section 853-1 for committing the offense of prostitution
7 under section 712-1200, loitering for the purpose of engaging in
8 or advancing prostitution under section 712-1206(2), street
9 prostitution and commercial sexual exploitation in designated
10 areas under section 712-1207(1)(a) or (2)(a), or convicted of or
11 who had a nolo contendere or guilty plea deferred and dismissed
12 by the court under section 853-1 for a lesser offense when
13 originally charged with a violation of section 712-1200,
14 712-1206(2), or 712-1207(1)(a) or (2)(a), may file a motion to
15 vacate the conviction or the plea that was entered but not
16 accepted if the defendant is not subsequently convicted of any
17 offense under the Hawaii Penal Code within three years after the



1 date of the original conviction[+] or deferral of the nolo
2 contendere plea under section 853-1; provided that the charge is
3 ultimately dismissed by the court under section 853-1. A
4 person's right to file a motion to vacate a conviction or plea
5 that was not accepted under this section shall be applied
6 retroactively.

7 (2) The court shall hold a hearing on a motion filed under
8 this section to review the defendant's record over the three
9 years after the date of the deferral of the nolo contendere or
10 guilty plea under section 853-1 or the original conviction under
11 section 712-1200, 712-1206(2), or 712-1207(1)(a) or (2)(a) or
12 conviction or deferral of a nolo contendere or guilty plea under
13 section 853-1 of a lesser offense when originally charged with a
14 violation of any of those sections, and if the court finds that
15 the defendant has not been convicted of any offense under the
16 Hawaii Penal Code within this three year period, the court shall
17 vacate the conviction[-] or plea that was entered but not
18 accepted."

19 SECTION 2. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 3. This Act shall take effect on July 30, 2075.



Report Title:

Prostitution; Vacate; Conviction; Deferred Acceptance of Nolo
Contendere Plea; Retroactive

Description:

Allows defendants who enter a deferred acceptance of nolo
contendere plea or deferred acceptance of a guilty plea to have
the plea vacated if conditions are met. Amends the statute to
specify that the three-year period begins after the original
deferral of the nolo contendere plea. Effective 7/30/2075.
(SD1)

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

