
A BILL FOR AN ACT

RELATING TO THE SEEKING OF ASSISTANCE.

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

1 SECTION 1. The legislature finds that women and
2 marginalized persons in the sex trade are often reluctant to
3 disclose their victimization to legal authorities and medical
4 providers. As a result, they are often revictimized,
5 significantly triggered, and misdirected to believe that they
6 cannot be served and that they are criminals. Most of these
7 individuals are not able to safely disclose their situations
8 without fear of violent retaliation from their trafficker or
9 buyer.

10 The legislature further finds that it is important to
11 recognize that the participation of women and marginalized
12 persons in the sex trade should not bar their access to
13 resources, safety, and compassion. Therefore, the purpose of
14 this Act is to provide protections to individuals involved in
15 the sex trade from the consequences under criminal law of
16 disclosing their engagement or being identified as engaging in



1 prostitution while in the course of seeking medical or law
2 enforcement assistance.

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

6 "§712- Seeking of medical or law enforcement
7 assistance; protections. (a) No person who would be subject to
8 prosecution under section 712-1200 who, in good faith, seeks
9 medical assistance or law enforcement assistance for the
10 person's self or another person, or who is the subject of such a
11 good faith request, shall:

12 (1) Be cited, arrested, charged, prosecuted, or convicted;

13 (2) Have the person's property subject to civil
14 forfeiture; or

15 (3) Otherwise be penalized pursuant to section 712-1200,
16 if the evidence for the citation, arrest, charge, prosecution,
17 conviction, forfeiture, or penalty was gained as a result of the
18 seeking of medical assistance or seeking of law enforcement
19 assistance, including while the person is experiencing a
20 substance-related crisis or witnessing another person's
21 experiencing a substance-related crisis.



1 (b) As used in this section:

2 "Medical assistance" includes mental health assistance and
3 services.

4 "Seeks medical assistance" or "seeking of medical
5 assistance" includes but is not limited to:

6 (1) Reporting a substance overdose to law enforcement, the
7 911 emergency system, a poison control center, or a
8 medical provider;

9 (2) Assisting someone who is making such a report; or

10 (3) Providing care to someone who is experiencing a
11 substance overdose while awaiting the arrival of
12 medical assistance.

13 "Seeks law enforcement assistance" or "seeking of law
14 enforcement assistance" includes but is not limited to:

15 (1) Making a report to police or any other law enforcement
16 agency via direct contact with an officer of the law
17 or through contact with the 911 emergency system to
18 relay a law enforcement-related emergency;

19 (2) Assisting someone who is making such a report; or

20 (3) Providing care to someone while awaiting the arrival
21 of law enforcement assistance.



1 "Substance" means alcohol, any drug on schedules I through
2 IV of chapter 329, or any substance that includes in its
3 composition volatile organic solvents."

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

7 SECTION 4. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.

9

INTRODUCED BY:



JAN 24 2023



H.B. NO. 1251

Report Title:

Seeking of Medical or Law Enforcement Assistance; Sex Trade;
Prostitution

Description:

Provides protections to individuals involved in the sex trade from the consequences under criminal law of disclosing their engagement or being identified as engaging in prostitution while in the course of seeking medical or law enforcement assistance.

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

