

STAND. COM. REP. NO.

230

Honolulu, Hawaii

FEB 09, 2023

RE: H.B. No. 1437  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 1437 entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish a definite term of imprisonment of no more than twenty years for persons convicted of sex trafficking;
- (2) Impose a fine of no less than \$200,000 but no more than \$500,000 on persons convicted of sex trafficking;
- (3) Specifies that consent to sexual conduct, as defined, is not a defense to prosecution for sex trafficking;
- (4) Exempt a person who is a victim of sex trafficking from criminal liability for offenses involving sex trafficking or prostitution; and
- (5) Specify that a minor who commits the offense of street prostitution in Waikiki is committing a violation, rather than a petty misdemeanor.

2023-1309 HB1437 HD1 HSCR HMSO



Your Committee received testimony in support of this measure from eleven individuals. Your Committee received comments on this measure from the Department of the Attorney General and Office of the Public Defender.

Your Committee finds that human trafficking is a form of modern-day slavery in which victims are subjected to force, fraud, or coercion for the purpose of commercial sex, debt bondage, or involuntary labor. This measure is intended to encourage persons to come forward and report sex trafficking crimes without fear of being prosecuted and re-victimized.

Your Committee has amended this measure by:

- (1) Specifying that offenders convicted of sex trafficking are to be sentenced to a term of imprisonment not exceeding twenty years, rather than as a definite term of imprisonment;
- (2) Deleting language that:
  - (A) Exempted from liability for the offense of sex trafficking those persons who reports to a law enforcement officer that they are victims of trafficking;
  - (B) Reduced the grade of offense for minors who commit the offense of street prostitution in Waikiki from a petty misdemeanor to a violation; and
  - (C) Specified the procedures for processing minors who are suspected of street prostitution in Waikiki;
- (3) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Judiciary & Hawaiian Affairs, should it deliberate on this measure, to consider whether the penalties for the criminal offenses amended by this measure should be adjusted.



As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1437, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1437, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Human Services,

  
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JOHN M. MIZUNO, Chair



Record of Votes of the Committee on Human Services

<b>Bill/Resolution No.:</b> <i>HB 1437</i>	<b>Committee Referral:</b> <i>HUS, JHA, FIN</i>	<b>Date:</b> <i>02.07.2023</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	<i>✓</i>			
2. AMATO, Terez (VC)	<i>✓</i>			
3. BELATTI, Della Au	<i>✓</i>			
4. ILAGAN, Greggor	<i>✓</i>			
5. KOBAYASHI, Bertrand	<i>✓</i>			
6. TAKENOUCI, Jenna	<i>✓</i>			
7. NISHIMOTO, Scott Y.	<i>✓</i>			
8. GARCIA, Diamond	<i>✓</i>			
<b>TOTAL (8)</b>	<i>8</i>			
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b> <i>Jerry C. ...</i>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				