

ACT 177

S.B. NO. 2254

A Bill for an Act Relating to Prostitution.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the problem of prostitution has adversely affected our visitor industry and poses a public health problem for prostitutes and their customers. The legislature further finds that prostitution is a multifaceted problem involving childhood physical and sexual abuse, domestic violence, and substance abuse. Unfortunately, prostitution has a long history and solutions posed through the criminal justice system have not been effective in mitigating the problem.

Innovative strategies for an incremental development plan should be explored and implemented to assist adults and children to free themselves from the sex industry through direct intervention. In these difficult economic times, any effort by the State to assist in the development of a comprehensive system of intervention must be necessarily limited by existing resources. Government can support and encourage community organizations to focus existing private and public resources more efficiently and effectively. This will require establishing more permanent working relationships among communities, the private sector, and government.

The purpose of this Act is to recognize a public and private partnership between the State and a private nonprofit organization dedicated to helping adults and children free themselves from a life of prostitution and educating them about alternate life choices.

SECTION 2. Section 712-1200, Hawaii Revised Statutes, is amended by amending subsection (4) to read as follows:

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

- (a) For the first offense, when the court has not deferred further proceedings pursuant to chapter 853, a mandatory fine of \$500 and the person may be sentenced to a term of imprisonment of not more than thirty days or probation; provided[,] that in the event the convicted person defaults in payment of the \$500 fine, and the default was not contumacious, the court may sentence the person to perform services for the community as authorized by section 706-605(1).
- (b) For any subsequent offense, a mandatory fine of \$500 and a term of imprisonment of thirty days or probation, without possibility of deferral of further proceedings pursuant to chapter 853 and without possibility of suspension of sentence [or probation].
- (c) For the purpose of this subsection, if the court has deferred further proceedings pursuant to chapter 853, and notwithstanding any provision of chapter 853 to the contrary, the defendant shall not be eligible to apply for expungement pursuant to section 831-3.2 until four years following discharge. A plea previously entered by a defendant under section 853-1 for a violation of this section shall be considered a prior offense. When the court has ordered a sentence of probation, the court may impose as a condition of probation that the defendant complete a course of prostitution intervention classes; provided that the court may only impose such condition for one term of probation.”

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SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved July 15, 1998.)