

## ACT 147

S.B. NO. 2212

A Bill for an Act Relating to Crime.

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

SECTION 1. Section 707-700, Hawaii Revised Statutes, is amended by adding two new definitions to be appropriately inserted and to read as follows:

“Labor” means work of economic or financial value.

“Services” means a relationship between a person and the actor in which the person performs activities under the supervision of or for the benefit of the actor. Prostitution-related and obscenity-related activities as set forth in chapter 712 are forms of “services” under this section. Nothing in this chapter shall be construed to legitimize or legalize prostitution.”

SECTION 2. Section 707-720, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of kidnapping if the person intentionally or knowingly restrains another person with intent to:

- (a) Hold that person for ransom or reward;
- (b) Use that person as a shield or hostage;
- (c) Facilitate the commission of a felony or flight thereafter;
- (d) Inflict bodily injury upon that person or subject that person to a sexual offense;
- (e) Terrorize that person or a third person; [ø]
- (f) Interfere with the performance of any governmental or political function[.]; or
- (g) Unlawfully obtain the labor or services of that person, regardless of whether related to the collection of a debt.”

SECTION 3. Section 707-721, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

- “(1) A person commits the offense of unlawful imprisonment in the first degree if the person knowingly restrains another person[~~;~~  
 (a) ~~Under~~ under circumstances which expose the person to the risk of serious bodily injury[~~;~~ ~~or~~  
 (b) ~~In a condition of involuntary servitude].”~~”

SECTION 4. Section 707-764, Hawaii Revised Statutes, is amended to read as follows:

“**§707-764 Extortion.** A person commits extortion if the person does any of the following:

- (1) Obtains, or exerts control over, the property, labor, or services of another with intent to deprive another of property, labor, or services by threatening by word or conduct to:
  - (a) Cause bodily injury in the future to the person threatened or to any other person;
  - (b) Cause damage to property or cause damage, as defined in section 708-890, to a computer, computer system, or computer network;
  - (c) Subject the person threatened or any other person to physical confinement or restraint;
  - (d) Commit a penal offense;
  - (e) Accuse some person of any offense or cause a penal charge to be instituted against some person;
  - (f) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt, or ridicule, or to impair the threatened person’s credit or business repute;
  - (g) Reveal any information sought to be concealed by the person threatened or any other person;
  - (h) Testify or provide information or withhold testimony or information with respect to another’s legal claim or defense;
  - (i) Take or withhold action as a public servant, or cause a public servant to take or withhold such action;
  - (j) Bring about or continue a strike, boycott, or other similar collective action, to obtain property that is not demanded or received for the benefit of the group that the defendant purports to represent; ~~[or]~~
  - (k) Destroy, conceal, remove, confiscate, or possess any actual or purported passport, or any other actual or purported government identification document, or other immigration document, of another person; or
- ~~[(k)]~~ (l) Do any other act that would not in itself substantially benefit the defendant but ~~[which]~~ that is calculated to harm substantially some person with respect to the threatened person’s health, safety, business, calling, career, financial condition, reputation, or personal relationships;
- (2) Intentionally compels or induces another person to engage in conduct from which another has a legal right to abstain or to abstain from conduct in which another has a legal right to engage by threatening by word or conduct to do any of the actions set forth in paragraph (1)(a) through ~~[(k);~~ (l); or
- (3) Makes or finances any extortionate extension of credit, or collects any extension of credit by extortionate means.”

SECTION 5. Section 707-765, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of extortion in the first degree if the person commits extortion:

- (a) Of property, labor, or services the value of which exceeds \$200 in total during any twelve-month period; or
- (b) By making or financing any extortionate extension of credit, or by collecting any extension of credit by extortionate means.”

SECTION 6. Section 707-766, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of extortion in the second degree if the person commits extortion:

- (a) Of property, labor, or services the value of which exceeds \$50 during any twelve-month period; or
- (b) As set forth in section 707-764(2).”

SECTION 7. Section 707-767, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of extortion in the third degree if the person commits extortion of property, labor, or services.”

SECTION 8. Section 712-1202, Hawaii Revised Statutes, is amended to read as follows:

“**§712-1202 Promoting prostitution in the first degree.** (1) A person commits the offense of promoting prostitution in the first degree if the person knowingly:

- (a) Advances prostitution by compelling a person by [~~criminal coercion~~] force, threat, or intimidation to engage in prostitution, or profits from such coercive conduct by another; or
- (b) Advances or profits from prostitution of a person less than [~~sixteen~~] eighteen years old.

(2) Promoting prostitution in the first degree is a class B felony.

(3) As used in this section, “threat” means any of the actions listed in section 707-764(1).”

SECTION 9. Section 712-1203, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of promoting prostitution in the second degree if the person knowingly[:

- (a) ~~Advances~~ advances or profits from prostitution by managing, supervising, controlling, or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more [~~prostitutes; or~~]
- (b) ~~Advances or profits from prostitution of a person less than eighteen years old.]~~ prostituted persons.”

SECTION 10. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 11. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 12. This Act shall take effect upon its approval.

(Approved June 6, 2008.)