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## A BILL FOR AN ACT

RELATING TO PROSTITUTION.

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

1 SECTION 1. Section 712-1200, Hawaii Revised Statutes, is  
2 amended by amending subsections (3) and (4) to read as follows:

3 "(3) Prostitution is a petty misdemeanor~~[-]~~, except as  
4 provided in subsection (4).

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

7 (a) For ~~the~~ a first offense, when the court has not  
8 deferred further proceedings pursuant to chapter 853,  
9 a mandatory fine of \$500 and the person may be  
10 sentenced to a term of imprisonment of not more than  
11 thirty days or probation; provided that in the event  
12 the convicted person defaults in payment of the \$500  
13 fine, and the default was not contumacious, the court  
14 may sentence the person to perform services for the  
15 community as authorized by section 706-605(1).

16 (b) For ~~any~~ a subsequent offense, a mandatory fine of  
17 \$500 and a term of imprisonment of thirty days or  
18 probation, without possibility of deferral of further



1 proceedings pursuant to chapter 853 and without  
2 possibility of suspension of sentence.

3 (c) A third and any subsequent offense by a person who  
4 pays, or offers or agrees to pay, a fee for sex with  
5 another person is a class C felony without possibility  
6 of deferral of further proceedings pursuant to chapter  
7 853 and without possibility of suspension of sentence.

8 [~~e~~] (d) For the purpose of this subsection, if the court  
9 has deferred further proceedings pursuant to chapter  
10 853, and notwithstanding any provision of chapter 853  
11 to the contrary, the defendant shall not be eligible  
12 to apply for expungement pursuant to section 831-3.2  
13 until four years following discharge. A plea  
14 previously entered by a defendant under section 853-1  
15 for a violation of this section shall be considered a  
16 prior offense. When the court has ordered a sentence  
17 of probation, the court may impose as a condition of  
18 probation that the defendant complete a course of  
19 prostitution intervention classes; provided that the  
20 court may only impose such condition for one term of  
21 probation."



1 SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

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

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JAN 22 2008



**Report Title:**

Prostitution

**Description:**

Makes a third and subsequent conviction for prostitution a class C felony when the offense is committed by a person who pays, or offers or agrees to pay, a fee for sex with another person.

