
A BILL FOR AN ACT

RELATING TO CRIME.

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

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

4 "Labor" means work of economic or financial value.

5 "Services" means a relationship between a person and the
6 actor in which the person performs activities under the
7 supervision of or for the benefit of the actor. Prostitution-
8 related and obscenity-related activities as set forth in chapter
9 712 are forms of "services" under this section. Nothing in this
10 chapter shall be construed to legitimize or legalize
11 prostitution."

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

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

17 (a) Hold that person for ransom or reward;

18 (b) Use that person as a shield or hostage;



- 1 (c) Facilitate the commission of a felony or flight
- 2 thereafter;
- 3 (d) Inflict bodily injury upon that person or subject that
- 4 person to a sexual offense;
- 5 (e) Terrorize that person or a third person; [~~or~~]
- 6 (f) Interfere with the performance of any governmental or
- 7 political function[~~+~~]; or
- 8 (g) Unlawfully obtain the labor or services of that
- 9 person, regardless of whether related to the
- 10 collection of a debt."

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

13 "(1) A person commits the offense of unlawful imprisonment
 14 in the first degree if the person knowingly restrains another
 15 person[~~+~~

16 ~~(a) Under~~] under circumstances which expose the person to
 17 the risk of serious bodily injury[~~+~~~~or~~

18 ~~(b) In a condition of involuntary servitude]."~~

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

21 "**§707-764 Extortion.** A person commits extortion if the
 22 person does any of the following:



- 1 (1) Obtains, or exerts control over, the property, labor,
2 or services of another with intent to deprive another
3 of property, labor, or services by threatening by word
4 or conduct to:
- 5 (a) Cause bodily injury in the future to the person
6 threatened or to any other person;
- 7 (b) Cause damage to property or cause damage, as
8 defined in section 708-890, to a computer,
9 computer system, or computer network;
- 10 (c) Subject the person threatened or any other person
11 to physical confinement or restraint;
- 12 (d) Commit a penal offense;
- 13 (e) Accuse some person of any offense or cause a
14 penal charge to be instituted against some
15 person;
- 16 (f) Expose a secret or publicize an asserted fact,
17 whether true or false, tending to subject some
18 person to hatred, contempt, or ridicule, or to
19 impair the threatened person's credit or business
20 repute;
- 21 (g) Reveal any information sought to be concealed by
22 the person threatened or any other person;



- 1 (h) Testify or provide information or withhold
- 2 testimony or information with respect to
- 3 another's legal claim or defense;
- 4 (i) Take or withhold action as a public servant, or
- 5 cause a public servant to take or withhold such
- 6 action;
- 7 (j) Bring about or continue a strike, boycott, or
- 8 other similar collective action, to obtain
- 9 property that is not demanded or received for the
- 10 benefit of the group that the defendant purports
- 11 to represent; [~~or~~]
- 12 (k) Destroy, conceal, remove, confiscate, or possess
- 13 any actual or purported passport, or any other
- 14 actual or purported government identification
- 15 document, or other immigration document, of
- 16 another person; or
- 17 [~~(k)~~] (l) Do any other act that would not in itself
- 18 substantially benefit the defendant but [~~which~~]
- 19 that is calculated to harm substantially some
- 20 person with respect to the threatened person's
- 21 health, safety, business, calling, career,



- 1 financial condition, reputation, or personal
2 relationships;
- 3 (2) Intentionally compels or induces another person to
4 engage in conduct from which another has a legal right
5 to abstain or to abstain from conduct in which another
6 has a legal right to engage by threatening by word or
7 conduct to do any of the actions set forth in
8 paragraph (1)(a) through [~~(k)~~] (1); or
- 9 (3) Makes or finances any extortionate extension of
10 credit, or collects any extension of credit by
11 extortionate means."

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

- 14 "(1) A person commits the offense of extortion in the
15 first degree if the person commits extortion:
- 16 (a) Of property, labor, or services the value of which
17 exceeds \$200 in total during any twelve-month period;
18 or
- 19 (b) By making or financing any extortionate extension of
20 credit, or by collecting any extension of credit by
21 extortionate means."



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

3 "(1) A person commits the offense of extortion in the
4 second degree if the person commits extortion:

5 (a) Of property, labor, or services the value of which
6 exceeds \$50 during any twelve-month period; or

7 (b) As set forth in section 707-764(2)."

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

10 "(1) A person commits the offense of extortion in the
11 third degree if the person commits extortion of property, labor,
12 or services."

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

15 **"§712-1202 Promoting prostitution in the first degree.**

16 (1) A person commits the offense of promoting prostitution in
17 the first degree if the person knowingly:

18 (a) Advances prostitution by compelling a person by
19 [~~criminal coercion~~] force, threat, or intimidation to
20 engage in prostitution, or profits from such coercive
21 conduct by another; or



1 (b) Advances or profits from prostitution of a person less
2 than ~~[sixteen]~~ eighteen years old.

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

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

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

9 "(1) A person commits the offense of promoting
10 prostitution in the second degree if the person knowingly[+

11 ~~(a) Advances]~~ advances or profits from prostitution by
12 managing, supervising, controlling, or owning, either
13 alone or in association with others, a house of
14 prostitution or a prostitution business or enterprise
15 involving prostitution activity by two or more
16 ~~[prostitutes; or~~

17 ~~(b) Advances or profits from prostitution of a person less~~
18 ~~than eighteen years old.]~~ prostituted persons."

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



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

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



S.B. NO. 2212
S.D. 1
H.D. 2
C.D. 1

Report Title:

Human Trafficking

Description:

Defines "labor" and "service" in the context of extortion promoting prostitution. Eliminates distinction between minors under 18 and minors under 16 for purposes of promoting prostitution. Effective on approval. (CD1)

