
A BILL FOR AN ACT

RELATING TO CRIME.

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

1 SECTION 1. Chapter 707, Hawaii Revised Statutes, is
2 amended by adding to part VI a new section to be appropriately
3 designated and to read as follows:

4 "§707- Sexual exploitation of a minor. (1) A person
5 commits the offense of sexual exploitation of a minor if the
6 person knowingly or recklessly:

- 7 (a) Causes, entices, persuades, induces, or otherwise aids
8 a minor to engage in activity as an erotic or nude
9 massager or exotic or nude dancer; or
- 10 (b) Engages in conduct designed to institute, aid, or
11 facilitate an act or enterprise whereby a minor
12 engages in activity as an erotic or nude massager or
13 exotic or nude dancer; or
- 14 (c) Accepts or receives money or other property pursuant
15 to an agreement or understanding whereby the person
16 participates or is to participate in the proceeds
17 resulting from a minor engaging in activity as an
18 erotic or nude massager or exotic or nude dancer; or



1 (d) Recruits, entices, provides, or obtains a minor
2 knowing that the minor will engage in activity as an
3 erotic or nude massager or exotic or nude dancer.

4 (2) In addition to other remedies that may be provided by
5 law, any property used or intended to be used to facilitate the
6 commission of the offense of sexual exploitation of a minor,
7 proceeds derived from that offense, or property acquired or
8 maintained, in whole or in part, with proceeds of that offense
9 may be forfeited to the State subject to the requirements of
10 chapter 712A.

11 (3) As used in this section:

12 "Erotic or nude massager" means a nude person providing
13 massage services with or without a license.

14 "Exotic or nude dancer" means a person performing, dancing,
15 or entertaining in the nude and includes patrons participating
16 in a contest or receiving instruction in nude dancing.

17 "Minor" means any person less than eighteen years of age.

18 "Nude" means unclothed or in attire including, but not
19 limited to, sheer or see-through attire, so as to expose to view
20 any portion of the pubic hair, anus, cleft of the buttocks,
21 genitals, or any portion of the female breast below the top of
22 the areola.



1 (4) Sexual exploitation of a minor is a class B felony."

2 SECTION 2. Section 351-32, Hawaii Revised Statutes, is
3 amended to read as follows:

4 "**§351-32 Violent crimes.** The crimes to which part III of
5 this chapter applies are the following and no other:

- 6 (1) Murder in the first degree (section 707-701);
7 (2) Murder in the second degree (section 707-701.5);
8 (3) Manslaughter (section 707-702);
9 (4) Negligent homicide in the first degree (section
10 707-702.5);
11 (5) Negligent homicide in the second degree (section
12 707-703);
13 (6) Negligent injury in the first degree (section
14 707-705);
15 (7) Negligent injury in the second degree (section
16 707-706);
17 (8) Assault in the first degree (section 707-710);
18 (9) Assault in the second degree (section 707-711);
19 (10) Assault in the third degree (section 707-712);
20 (11) Kidnapping (section 707-720);
21 (12) Sexual assault in the first degree (section 707-730);
22 (13) Sexual assault in the second degree (section 707-731);



- 1 (14) Sexual assault in the third degree (section 707-732);
2 (15) Sexual assault in the fourth degree (section 707-733);
3 (16) Abuse of family [~~+~~or~~+~~] household member (section
4 709-906); [~~and~~]
5 (17) Sexual exploitation of a minor (section 707-);
6 (18) Promoting prostitution in the first degree (section
7 712-1202); and
8 [~~(17)~~] (19) Terrorism, as defined in Title 18 United States
9 Code section 2331."

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

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

14 "Services" means a relationship between a person and the
15 actor in which the person performs activities under the
16 supervision of or for the benefit of the actor. Prostitution-
17 related and obscenity-related activities as set forth in chapter
18 712 are forms of "services" under this section. Nothing in this
19 chapter shall be construed to legitimize or legalize
20 prostitution."

21 SECTION 4. Section 707-720, Hawaii Revised Statutes, is
22 amended by amending subsection (1) to read as follows:



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

- 4 (a) Hold that person for ransom or reward;
5 (b) Use that person as a shield or hostage;
6 (c) Facilitate the commission of a felony or flight
7 thereafter;
8 (d) Inflict bodily injury upon that person or subject that
9 person to a sexual offense;
10 (e) Terrorize that person or a third person; [~~or~~]
11 (f) Interfere with the performance of any governmental or
12 political function[~~-~~]; or
13 (g) Unlawfully obtain the labor or services of that
14 person, regardless of whether related to the
15 collection of a debt."

16 SECTION 5. Section 707-721, Hawaii Revised Statutes, is
17 amended by amending subsection (1) to read as follows:

18 "(1) A person commits the offense of unlawful imprisonment
19 in the first degree if the person knowingly restrains another
20 person[+

21 ~~(a)~~ ~~Under~~ under circumstances which expose the person to
22 the risk of serious bodily injury[~~-or~~



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

2 SECTION 6. Section 707-764, Hawaii Revised Statutes, is
3 amended to read as follows:

4 "**§707-764 Extortion.** A person commits extortion if the
5 person does any of the following:

6 (1) Obtains, or exerts control over, the property, labor,
7 or services of another with intent to deprive another
8 of property, labor, or services by threatening by word
9 or conduct to:

10 (a) Cause bodily injury in the future to the person
11 threatened or to any other person;

12 (b) Cause damage to property or cause damage, as
13 defined in section 708-890, to a computer,
14 computer system, or computer network;

15 (c) Subject the person threatened or any other person
16 to physical confinement or restraint;

17 (d) Commit a penal offense;

18 (e) Accuse some person of any offense or cause a
19 penal charge to be instituted against some
20 person;

21 (f) Expose a secret or publicize an asserted fact,
22 whether true or false, tending to subject some



1 person to hatred, contempt, or ridicule, or to
2 impair the threatened person's credit or business
3 repute;

4 (g) Reveal any information sought to be concealed by
5 the person threatened or any other person;

6 (h) Testify or provide information or withhold
7 testimony or information with respect to
8 another's legal claim or defense;

9 (i) Take or withhold action as a public servant, or
10 cause a public servant to take or withhold such
11 action;

12 (j) Bring about or continue a strike, boycott, or
13 other similar collective action, to obtain
14 property that is not demanded or received for the
15 benefit of the group that the defendant purports
16 to represent; [œ]

17 (k) Destroy, conceal, remove, confiscate, or possess
18 any actual or purported passport, or any other
19 actual or purported government identification
20 document, or other immigration document, of
21 another person; or



1 ~~[(*)]~~ (1) Do any other act that would not in itself
2 substantially benefit the defendant but ~~[which]~~
3 that is calculated to harm substantially some
4 person with respect to the threatened person's
5 health, safety, business, calling, career,
6 financial condition, reputation, or personal
7 relationships;

8 (2) Intentionally compels or induces another person to
9 engage in conduct from which another has a legal right
10 to abstain or to abstain from conduct in which another
11 has a legal right to engage by threatening by word or
12 conduct to do any of the actions set forth in
13 paragraph (1)(a) through ~~[(*)]~~ (1); or

14 (3) Makes or finances any extortionate extension of
15 credit, or collects any extension of credit by
16 extortionate means."

17 SECTION 7. Section 707-765, Hawaii Revised Statutes, is
18 amended by amending subsection (1) to read as follows:

19 "(1) A person commits the offense of extortion in the
20 first degree if the person commits extortion:



1 (a) Of property, labor, or services the value of which
2 exceeds \$200 in total during any twelve-month period;
3 or

4 (b) By making or financing any extortionate extension of
5 credit, or by collecting any extension of credit by
6 extortionate means."

7 SECTION 8. Section 707-766, Hawaii Revised Statutes, is
8 amended by amending subsection (1) to read as follows:

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

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

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

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

16 "(1) A person commits the offense of extortion in the
17 third degree if the person commits extortion of property, labor,
18 or services."

19 SECTION 10. Section 712-1202, Hawaii Revised Statutes, is
20 amended to read as follows:



1 **"§712-1202 Promoting prostitution in the first degree.**

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

4 (a) Advances prostitution by compelling a person by
5 ~~[criminal coercion]~~ force, threat, or intimidation to
6 engage in prostitution, or profits from such coercive
7 conduct by another; or

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

10 (2) "Threat" as used in this section means any threat
11 proscribed by section 707-764(1).

12 ~~[(2)]~~ (3) Promoting prostitution in the first degree is a
13 class B felony."

14 SECTION 11. Section 712-1203, Hawaii Revised Statutes, is
15 amended by amending subsection (1) to read as follows:

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

18 ~~(a)~~ ~~Advances]~~ advances or profits from prostitution by
19 managing, supervising, controlling, or owning, either
20 alone or in association with others, a house of
21 prostitution or a prostitution business or enterprise



1 involving prostitution activity by two or more
2 prostitutes [~~or~~
3 ~~(b) Advances or profits from prostitution of a person less~~
4 ~~than eighteen years old]."~~

5 SECTION 12. Section 842-1, Hawaii Revised Statutes, is
6 amended by amending the definition of "racketeering activity" to
7 read as follows:

8 "Racketeering activity" means any act or threat involving,
9 but not limited to, murder, kidnapping, sexual exploitation of a
10 minor, gambling, criminal property damage, robbery, bribery,
11 extortion, theft [~~or~~], prostitution, or any dealing in narcotic
12 or other dangerous drugs [~~which~~] that is chargeable as a crime
13 under state law and punishable by imprisonment for more than one
14 year."

15 SECTION 13. This Act does not affect rights and duties
16 that matured, penalties that were incurred, and proceedings that
17 were begun, before its effective date.

18 SECTION 14. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 15. This Act shall take effect on July 1, 2050.



Report Title:

Human Trafficking

Description:

Enables prosecution of human trafficking under Hawaii law by creating new offense of sexual exploitation of a minor, amending existing kidnapping, extortion, and prostitution offenses, and including sexual exploitation of a minor in definition of racketeering. Eliminates distinction between minors under 18 and minors under 16 for purposes of promoting prostitution. Makes victims of sexual exploitation of a minor and promoting prostitution in the first degree eligible for crime victim compensation. Eff. July 1, 2050. (SD1)

