
A BILL FOR AN ACT

RELATING TO CRIME.

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

1 SECTION 1. Chapter 353C, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§353C- Prostitution offender education program special
5 fund. (a) There is established in the state treasury the
6 prostitution offender education program special fund to be
7 administered by the department. The fund shall consist of
8 amounts collected from the surcharges imposed under section 712-
9 1200.

10 (b) Proceeds of the fund shall be expended by the director
11 for the purpose of funding and administering the prostitution
12 offender education program.

13 (c) In administering the prostitution offender education
14 program special fund, the director shall maintain records of all
15 expenditures and disbursements made from the fund.

16 (d) The director shall submit to the legislature an annual
17 report on the activities under the prostitution offender



1 SECTION 2. Section 712-1200, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§712-1200 Prostitution. (1) A person commits the
4 offense of prostitution if the person engages in, or agrees or
5 offers to engage in, sexual conduct with another person for a
6 fee.

7 (2) As used in subsection (1), "sexual conduct" means
8 "sexual penetration," "deviate sexual intercourse," or "sexual
9 contact," as those terms are defined in section 707-700.

10 (3) Prostitution is a petty misdemeanor.

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

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



1 (b) For any subsequent offense, a mandatory fine of \$500
2 and a term of imprisonment of thirty days or
3 probation, without possibility of deferral of further
4 proceedings pursuant to chapter 853 and without
5 possibility of suspension of sentence.

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

20 (5) In addition to the penalties imposed in subsection
21 (4), for the first offense, or any offense not preceded within a
22 five-year period by a conviction for an offense under this



1 section, the patron of a prostitute shall be sentenced as
2 follows:

3 (a) An eight-hour minimum prostitution offender education
4 program, including education and counseling, in the
5 harm caused to prostituted persons by patrons who
6 create the demand for prostitution; and

7 (b) A surcharge of \$500 to be deposited into the
8 prostitution offender education program special fund.

9 ~~[-(5)-]~~ (6) This section shall not apply to any member of a
10 police department, a sheriff, or a law enforcement officer
11 acting in the course and scope of duties."

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

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on July 1, 2010.

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INTRODUCED BY:

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Report Title:

First Offender Prostitution Program

Description:

Provides that patrons of prostitutes who are convicted of a first offense shall be required to pay a \$500 surcharge and complete an 8-hour educational and counseling program. Establishes a special fund to fund and administer the program.

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