
HOUSE CONCURRENT RESOLUTION

REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY REGARDING THE TECHNICAL FEASIBILITY AND LEGAL IMPLICATIONS OF REPLACING REFERENCES TO PROSTITUTION IN THE HAWAII REVISED STATUTES WITH THE TERM COMMERCIAL SEXUAL EXPLOITATION.

1 WHEREAS, there have been laws against prostitution as long
2 or longer than prostitution has been the "world's oldest
3 profession"; and

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5 WHEREAS, prostitution here and elsewhere has long been
6 perceived as conduct that amounts to an affront against
7 community morals by individuals acting for personal profit; and

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9 WHEREAS, prostitution is increasingly understood to be the
10 organized criminal sexual exploitation of its victims, typically
11 women and children; and

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13 WHEREAS, other jurisdictions are moving toward aligning
14 their statutory language with the evolving understanding of
15 prostitution as commercial sexual exploitation; and

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17 WHEREAS, replacing references to prostitution in the Hawaii
18 Revised Statutes, with references to commercial sexual
19 exploitation may have unintended consequences involving
20 inconsistent cross-references or conflicts with existing case
21 law; now, therefore,

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23 BE IT RESOLVED by the House of Representatives of the
24 Twenty-fifth Legislature of the State of Hawaii, Regular Session
25 of 2010, the Senate concurring, that the Legislative Reference
26 Bureau is requested to conduct a study of the technical
27 feasibility of replacing references in the Hawaii Revised
28 Statutes with the term commercial sexual exploitation; and
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1 BE IT FURTHER RESOLVED that the Legislative Reference
2 Bureau is requested to:

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- 4 (1) Conduct research to determine what other jurisdictions
- 5 have changed references to prostitution to commercial
- 6 sexual exploitation or similar language;
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- 8 (2) Examine whether, if the Legislature determines as a
- 9 matter of policy that the Hawaii Revised Statutes
- 10 should refer to commercial sexual exploitation instead
- 11 of prostitution, that goal can be achieved with a
- 12 global replacement of terms or would require, because
- 13 of inconsistent cross-references, improper sentence
- 14 syntax, or other reasons, a section by section
- 15 amendment of the Hawaii Revised Statutes; and
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- 17 (3) Examine what effect, if any, a change in terminology
- 18 would have on the continued viability of case law
- 19 construing prior versions of the Hawaii Revised
- 20 Statutes would have; and
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22 BE IT FURTHER RESOLVED that the Legislative Reference
23 Bureau is requested to submit its findings and recommendations,
24 including any proposed legislation, to the Legislature not later
25 than twenty days prior to the convening of the Regular Session
26 of 2011; and

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28 BE IT FURTHER RESOLVED that a certified copy of this
29 Concurrent Resolution be transmitted to the Director of the
30 Legislative Reference Bureau.

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33 OFFERED BY:

	
	
	
	
	
	
	

