

JAN 21 2010

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# SENATE 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 Senate of the Twenty-fifth  
24 Legislature of the State of Hawaii, Regular Session of 2010, the  
25 House of Representatives concurring, that the Legislative  
26 Reference Bureau is requested to conduct a study of the  
27 technical feasibility of replacing references in the Hawaii  
28 Revised Statutes with the term commercial sexual exploitation;  
29 and



# S.C.R. NO. 3

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BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to:

- (1) Conduct research to determine what other jurisdictions have changed references to prostitution to commercial sexual exploitation or similar language;
- (2) Examine whether, if the Legislature determines as a matter of policy that the Hawaii Revised Statutes should refer to commercial sexual exploitation instead of prostitution, that goal can be achieved with a global replacement of terms or would require, because of inconsistent cross-references, improper sentence syntax, or other reasons, a section by section amendment of the Hawaii Revised Statutes; and
- (3) Examine what effect, if any, a change in terminology would have on the continued viability of case law construing prior versions of the Hawaii Revised Statutes would have; and

BE IT FURTHER RESOLVED that the Legislative Reference Bureau is requested to submit its findings and recommendations, including any proposed legislation, to the Legislature not later than twenty days prior to the convening of the Regular Session of 2011; and

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

OFFERED BY:

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