

Honolulu, Hawaii

APR 22 2010

, 2010

RE: S.B. No. 2045
S.D. 1
H.D. 1
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2045, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to establish class A and B felony sexual human trafficking offenses and provisions related to prosecution of the offenses.

Your Committee on Conference finds that human trafficking, particularly sexual human trafficking of minors, is a grave and repellent activity that should be harshly punished. While existing statutes may touch on some of the conduct inherent in the act of trafficking, your Committee on Conference understands that lack of a specifically defined crime of trafficking makes identification of victims and evaluation of the extent of the problem difficult.



However, your Committee on Conference notes that the measure as received is sufficiently complex so as to deter the prosecution of these newly created offenses, thereby defeating the goal of the measure. Your Committee on Conference believes that, by paring down and simplifying the trafficking provisions, the goals of the measure will be better served.

Your Committee on Conference has amended this measure by deleting its contents and replacing it with language that does the following:

- (1) Creates a part within chapter 707, Hawaii Revised Statutes, that:
 - (A) Creates a new sexual human trafficking in the first degree offense that is a class A felony, which prohibits a person from knowingly advancing or profiting from prostitution or sexually-explicit activity involving the prostitution or sexually-explicit activity of one or more prostituted person under the age of eighteen, if the person maintains, manages, supervises, or controls and transports any prostituted person; and
 - (B) Creates a new sexual human trafficking in the second degree offense that is a class B felony, which prohibits a person from knowingly advancing or profiting from prostitution or sexually-explicit activity involving the prostitution or sexually-explicit activity of one or more prostituted persons eighteen years old or older, if the person maintains, manages, supervises, or controls and transports any prostituted person; and
- (2) Includes the sexual human trafficking offenses in the official proceedings or investigations that are to be given greatest priority for purposes of witness protection programs.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2045, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2045, S.D. 1, H.D. 1, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



JON RIKI KARAMATSU, Chair



BRIAN T. TANIGUCHI, Chair

