

WRITTEN ONLY

TESTIMONY BY GEORGINA K. KAWAMURA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON PUBLIC SAFETY
ON
HOUSE BILL NO. 2150

January 28, 2010

RELATING TO CRIME

House Bill No. 2150 mandates that a patron of a prostitute who is convicted of a first offense take a prostitution offender education program and pay a surcharge of \$500. The program would be financed by the prostitution offender education program special fund created by this bill. The fund would generate revenues through the \$500 surcharge.

We have concerns on this bill. As a matter of general policy, this department does not support the creation of any special or revolving fund which does not meet the requirements of Sections 37-52.3 and 37-53.4 of the Hawaii Revised Statutes. If the Legislature feels that this is a priority program to be created at this time, the surcharge should be deposited into the General Fund and the program expenses appropriated from the General Fund.



Committee: Committee on Public Safety
Hearing Date/Time: Thursday, January 28, 2010, 9:45 a.m.
Place: Room 309
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 2150, Relating to Crime

Dear Chair Hanohano and Members of the Committee on Public Safety:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in **opposition** to H.B. 2150.

The ACLU of Hawaii opposes state regulation and punishment of prostitution as a violation of the right of individual privacy because they impose penal sanctions for the private sexual conduct of consenting adults. Whether an adult chooses to engage in sexual activity for purposes of recreation, or in exchange for something of value, is a matter of individual choice, not for governmental interference.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

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LATE TESTIMONY

**THE HONORABLE FAYE P. HANOHANO, CHAIR
THE HONORABLE HENRY J.C. AQUINO, VICE CHAIR
HOUSE COMMITTEE ON PUBLIC SAFETY**

**TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION OF 2010**

January 28, 2010

RE: HOUSE BILL 2150; RELATING TO CRIME

Good Morning Chair Hanohano and members of the Public Safety Committee, the Department of the Prosecuting Attorney provides the following testimony **in support of H.B. 2150, with amendments**, which 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. It further proposes to establish a special fund to fund and administer the program.

Our public perception of prostitution in Hawaii and across the country has begun to dramatically change in recent years. What was once viewed as "victimless crime" that was often characterized by phrases such as "The Happy Hooker" or images from the movie "Pretty Woman" is now seen as the brutal victimization of women that it truly represents. As our understanding of prostitution has changed so must our responses, the proposal in H.B. 2150, the establishment of a sentencing requirement for those convicted under *H.R.S. section 712-1200, Prostitution*, who are "patrons" of prostitutes that requires them to attend "an eight hour minimum prostitution offender education program". For far too long community and criminal justice efforts to deal with prostitution have focused entirely on the supply side, the prostitute. This approach for the first time in Hawaii attempts to reduce prostitution by focusing on the supply side, the patron, more commonly referred to as the "John". The bill goes further in making the "Johns" take some responsibility for the numerous social ills created by prostitution by requiring that they pay a surcharge to cover the costs of running the program rather than asking the taxpayer to foot the bill. Programs similar to that contained H.B. 2150 have been successfully operating in as many as fifty cities across the United. Evaluations conducted of programs in San Francisco, Canada, and Great Britain have demonstrated reductions in

recidivism of fifty percent or more along with commensurate positive improvements in attitudes and significant gains in knowledge of the devastating impact of prostitution on women.

While it is clear to see that the establishment and implementation of the program envisioned in this bill would be a positive contribution to efforts aimed at curbing prostitution, we believe that it does not go far enough. San Francisco and other cities with successful programs have found that to be effective a counterpart program for the prostitutes on the "supply side" of the equation must be developed. Its focus would also be targeted at reducing recidivism, but with appropriate assessment and treatment designed to help them escape a life of sexual exploitation. Thus we propose that all offenders convicted under the Prostitution statute be required to attend a counseling and education program aimed at prevention. Programs separately and appropriately designed for the customer as well as the prostituted person would be established to insure greater fairness and effectiveness of the proposed sentencing requirement.

Many of the past characterizations of prostitution as a "legitimate business", "oldest profession", or "unavoidable public nuisance" are beginning to yield to the new awareness that prostitution is an inherently evil institution that harms all of us: the johns, the prostitutes and the community. These "positive" misimpressions of prostitution all stem from that age old belief that women are the property of men and are a legitimate commodity to be bought and sold. We believe the time for any level of tolerance for these beliefs has long since passed. Thus we strongly endorse H.B. 2150, with our proposed amendment, as an important first step toward making our Prostitution statutes more effective by making the preventative as well as punitive.