
A BILL FOR AN ACT

RELATING TO PROSTITUTION.

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

1 SECTION 1. Section 712-1207, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§712-1207 Street solicitation of prostitution; designated**
4 **areas.** (1) It shall be unlawful for any person within the
5 boundaries of Waikiki and while on any public property, to offer
6 or agree to engage in sexual conduct with another person in
7 return for a fee.

8 (2) It shall be unlawful for any person within the
9 boundaries of other areas in this State designated by county
10 ordinance pursuant to subsection (3), and while on any public
11 property, to offer or agree to engage in sexual conduct with
12 another person in return for a fee.

13 (3) Upon a recommendation of the chief of police of a
14 county, that county may enact an ordinance that:

15 (a) Designates areas, each no larger than three square
16 miles, as zones of significant prostitution-related
17 activity that is detrimental to the health, safety, or
18 welfare of the general public; or



1 (b) Alters the boundaries of any existing area under
2 paragraph (a);
3 provided that not more than four areas may be designated within
4 the State.

5 (4) Notwithstanding any law to the contrary, any person
6 violating this section shall be guilty of a petty misdemeanor
7 and shall be sentenced to a mandatory term of thirty days
8 imprisonment. The term of imprisonment shall be imposed
9 immediately, regardless of whether the defendant appeals the
10 conviction, except as provided in subsection (5).

11 (5) As an option to the mandatory term of thirty days
12 imprisonment, if the court finds the option is warranted based
13 upon the defendant's record, the court may place the defendant
14 on probation for a period not to exceed six months, subject to
15 the mandatory condition that the defendant observe geographic
16 restrictions that prohibit the defendant from entering or
17 remaining on public property, in Waikiki and other areas in the
18 State designated by county ordinance during the hours from 6
19 p.m. to 6 a.m. Upon any violation of the geographic
20 restrictions by the defendant, the court, after hearing, shall
21 revoke the defendant's probation and immediately impose the
22 mandatory thirty-day term of imprisonment. Nothing contained in



1 this subsection shall be construed as prohibiting the imposition
2 of stricter geographic restrictions under section 706-624(2)(h).

3 (6) Any person charged under this section may be admitted
4 to bail, pursuant to section 804-4, subject to the mandatory
5 condition that the person observe geographic restrictions that
6 prohibit the defendant from entering or remaining on public
7 property, in Waikiki and other areas in the State designated by
8 county ordinance during the hours from 6 p.m. to 6 a.m.
9 Notwithstanding any other provision of law to the contrary, any
10 person who violates these bail restrictions shall have the
11 person's bail revoked after hearing and shall be imprisoned
12 forthwith. Nothing contained in this subsection shall be
13 construed as prohibiting the imposition of stricter geographic
14 restrictions under section 804-7.1.

15 (7) Notwithstanding any other law to the contrary, a
16 police officer, without warrant, may arrest any person when the
17 officer has probable cause to believe that the person has
18 committed a violation of subsection (5) or (6), and the person
19 shall be detained, without bail, until the hearing under the
20 appropriate subsection can be held, which hearing shall be held
21 as soon as reasonably practicable.



1 (8) Notwithstanding any law to the contrary, the arresting
2 officer may also impound the vehicle of a person violating this
3 chapter if:

4 (A) the motor vehicle was used in the commission of
5 the crime; and

6 (B) the person arrested is the registered owner of
7 the vehicle or the vehicle is a rental vehicle.

8 A county shall establish ordinances for the impoundment and
9 return of motor vehicles and rental vehicles, and may enact
10 reasonable fees for the processing and storage of impounded
11 vehicles under this chapter.

12 [~~8~~] (9) For purposes of this section:

13 "Area" means any zone within a county that is defined with
14 specific boundaries and designated as a zone of significant
15 prostitution by this section or a county ordinance.

16 "Motor vehicle" means every vehicle which is self-propelled
17 and every vehicle which is propelled by electric power but not
18 operated upon rails.

19 "Public property" includes any street, highway, road,
20 sidewalk, alley, lane, bridge, parking lot, park, or other
21 property owned or under the jurisdiction of any governmental
22 entity or otherwise open to the public.



1 "Rental vehicle" means a motor vehicle:
2 (1) Of the private passenger type including passenger
3 vans, minivans, and sport utility vehicles; or
4 (2) Of the cargo type, including cargo vans or pickup
5 trucks with a gross vehicle weight of less than
6 twenty-six thousand pounds,
7 that do not require a commercial driver's license for the
8 operation of the vehicle."

9 "Sexual conduct" has the same meaning as in section 712-
10 1200(2).

11 "Waikiki" means that area of Oahu bounded by the Ala Wai
12 canal, the ocean, and Kapahulu avenue.

13 [~~(9)~~] (10) This section shall apply to all counties;
14 provided that if a county enacts an ordinance to regulate street
15 solicitation for prostitution, other than an ordinance
16 designating an area as a zone of significant prostitution-
17 related activity, the county ordinance shall supersede this
18 section and no person shall be convicted under this section in
19 that county."

20 SECTION 2. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

22 SECTION 3. This Act shall take effect upon its approval.



1

2

INTRODUCED BY: Sabara Marumoto

Rick Cutler

Guthrie Hokien

Marilyn B. Lee

Ray Stansbury

Jim

John

Richard Ichiyama

Normi Jones

Karen Luana

JAN 20 2011



Report Title:

Prostitution

Description:

Provides that the county may impound vehicles used in the commission of street prostitution in specified zones as established by the counties.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

