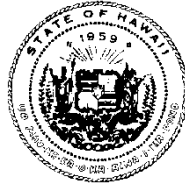


HB44,HD1

Testimony

NEIL ABERCROMBIE
GOVERNOR



DENISE M. WISE
EXECUTIVE DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
Honolulu, Hawaii 96817

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

Statement of
Denise M. Wise
Hawaii Public Housing Authority
Before the

SENATE COMMITTEE ON JUDICIARY AND LABOR

April 4, 2011 9:00 A.M.
Room 016, Hawaii State Capitol

In consideration of
H.B. 44 H.D. 1
RELATING TO PROSTITUTION

Mister Chair and Members of the Senate Committee on Judiciary and Labor, thank you for the opportunity to provide you with comments regarding House Bill 44 as amended, relating to prostitution.

The Hawaii Public Housing Authority (HPHA) supports enactment of the measure, which elevates the offense of prostitution to a misdemeanor within 750 feet of a school or public park. This measure will significantly improve the ability of public safety professionals to ensure a safe, livable community for the citizens of Hawaii.

The HPHA appreciates the opportunity to provide the Senate Committee on Judiciary and Labor with the agency's position regarding H.B. 44 H.D. 1. We respectfully request the Committee to pass this measure favorably.

**Testimony of the Office of the Public Defender
State of Hawaii
to the Senate Committee on Judiciary and Labor**

April 4, 2011

H.B. No. 44 HD1: RELATING TO PROSTITUTION

Chair Hee and Members of the Committee:

We oppose passage of H.B. No. 44 HD1. This bill would create the new offense of solicitation of prostitution near schools or public parks. Essentially, this offense would elevate the current offense of street solicitation of prostitution from a petty misdemeanor to a misdemeanor if committed within seven hundred fifty feet of a school or public park.

We seriously question the need for this measure. Presumably, the bill is designed to protect children from being solicited for acts of prostitution. First of all, there has been no demonstrated need for this legislation. There does not appear to be a prevailing problem involving children being solicited while walking home from school. Second, if a violation were to occur, this measure would make such a solicitation more difficult to prosecute. The offense is classified as a misdemeanor which would establish the right to a jury trial for one accused of this crime. Having a child appear before a jury to recall his/her experience might not be a preferable procedure for an offense such as this. Finally, if the aim of the measure is simply to prevent children from having to see solicitations taking place near their school, there are other ways to do this under current law such as geographic exclusions for persons who are arrested or convicted for solicitation offenses.

The 750 feet zone established by this offense is also problematic. This is a large area. In certain densely populated areas of town, it is difficult to be more than 750 feet from any school or park, wherever a person is. Thus, even if a person has no intent to commit solicitation anywhere near a school or park, he/she could fall within the purview of this measure simply by being in an urban, densely populated area of the city.

Thank for the opportunity to comment on this measure.

From: [Tracy A Ryan](#)
To: [JDLTestimony](#)
Subject: Testimony for Monday's hearing
Date: Friday, April 01, 2011 9:47:04 AM

TESTIMONY

The Libertarian Party of Hawaii
c/o 1658 Liholiho St #205
Honolulu, HI 96822

March 31, 2011

RE: HB 44 to be heard Monday, April 4, 2011 at 9:00 AM in conference room 016.

To the members of the Senate Committee on Judiciary and Labor

We oppose passage of HB 44. If sex workers are to be chased away from schools and parks, which through most of the 24 hours of the day are quite places that would disturb no one, where will they go? In front of people's houses or businesses where they will be more problematic than to begin with is the likely result. If this bill is aimed at reducing the complaints from Downtown residents it can only have the opposite effect. Doesn't anyone think these things though? No useful attempt to move prostitution activities can be had unless a tolerated, or legal zone is established.

If the legislature was serious about responding to these complaints we suggest a gutting of this bill with new language as indicated below replacing it.

Suggested Amendment to HB 44

Delete 712-1200 and replace with the following

- (1) A person commits the offense of prostitution if the person engages in, or agrees or offers to engage in, sexual conduct with another person for a fee.
- (2) As used in subsection (1), "sexual conduct" means "sexual penetration" deviate sexual intercourse," or "sexual contact," as those terms are defined in 707-700.
- (3) The offense of prostitution is a violation subject to a fine of up to \$500 if the person agrees or offers to engage in acts of prostitution in a public place which is likely to be observed by others who would be affronted or alarmed. For purposes of this section a "public place" means any street, sidewalk, bridge, ally or alleyway, plaza, driveway, parking lot, or transportation facility or the doorways and entrance ways to any building which fronts on any of the aforesaid places, or a motor vehicle in or on any such place except areas that are designated as exceptions to this section by law.

(4) There is no penalty for engaging in, agreeing or offering to engage in acts of prostitution except as described in section (3) above.

(5) The Legislature and or County Governments shall designate areas within their jurisdiction as exempt from the penalty provisions of section (3) above. Designated areas shall include portions of geographic areas that have a history of this offense. The designated areas may be described both by geographic boundaries and by time of day limitations.

(6) This section shall not apply to any member of the police department, a sheriff, or a law enforcement officer acting in the course and scope of duties.

Retain 712-1201

Retain 712-1202

Delete section (a) of 712-1203

Delete 712-1204

712-1205 already repealed

Delete 712-1206

Delete 712-1207

Sincerely:

A handwritten signature in black ink, appearing to be a stylized name, possibly "John" or "James", followed by a long horizontal flourish.

WRITTEN TESTIMONY ONLY

Date: 04/04/2011

Committee: Senate Judiciary and Labor

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: HB 0044,HD1 RELATING TO PROSTITUTION

Purpose of Bill: Makes it a misdemeanor to offer or agree to pay a fee to engage in sexual conduct within seven hundred fifty feet of a school or public park. Effective January 7, 2059. (HB44 HD1)

Department's Position: DOE appreciates the opportunity to offer comments in support of this bill. The problem for the DOE is that solicitation for prostitution is openly apparent during the daytime, and students walking to and from school must pass this activity.

Because prostitution is already a misdemeanor, perhaps it would be appropriate to amend the bill to provide for a significant minimum fine for conviction of soliciting within one mile of a school from one hour before sunrise to one hour after sunset.

Thank you for your consideration.



Committee: Committee on Judiciary and Labor
Hearing Date/Time: Monday, April 4, 2011, 9:00 a.m.
Place: Room 325
Re: Testimony of the ACLU of Hawaii in Opposition to H.B. 44, HD1,
Relating to Prostitution

Dear Chair Hee and Members of the Committee on Judiciary and Labor:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in opposition to H.B. 44, HD1.

The ACLU of Hawaii believes that prostitution should be decriminalized, and while that is not the issue being debated today, we certainly oppose any effort to increasing the criminal penalties associated with private sexual behavior between consenting adults.

Criminal sanctions against prostitution have traditionally represented one of the most direct forms of discrimination against women. Further, prostitution laws are 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

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org

VICTOR & ANITA LIM
1751 Laukahi St., Honolulu, Hawaii 96821

April 2, 2011

Senator Clayton Hee, Chair
Committee on Judiciary and Labor
Hawaii State Senate

Dear Chair Hee and Members of the Senate Committee on Judiciary and Labor

Re: Support for HB 44 HD 1 Relating to Prostitution

As someone who is actively engaged in the Downtown and Chinatown neighborhood, I strongly support the intent of HB44 HD1 making it a misdemeanor to engage in prostitution and solicitation within seven hundred feet of a school or public park.

We have been working very hard to try and making our neighborhood a better working and living place for our children, seniors, and people that come to patronize the many businesses in the area but face constant setbacks from the crime and criminal elements relating to prostitution and related vices.

Thanks you for giving me an opportunity to try and improve our neighborhoods and community.

Sincerely,

Victor Lim
Chair, Fort St. Mall Business Improvement District
President, Lum Sai Ho Tong
Past Chair, Chinese Chamber of Commerce
Vice Chair, Concerned Citizens for River Street Housing



DOWNTOWN NEIGHBORHOOD BOARD NO. 13

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 400 • HONOLULU, HAWAII, 96813
PHONE (808) 527-5749 • FAX (808) 527-5760 • INTERNET: <http://www.honolulu.gov>

**Testimony of
Thomas Smyth, Vice Chair**

**Before the
Senate Committee on Judiciary And Labor
Monday, April 4, 2011, 9:00 am Room 016
On
HB 44 HD 1 Relating to Prostitution**

Chair Hee, Vice Chair Shimabukuro and Members of the Committee:

The Downtown Neighborhood Board strongly supports HB 44 HD 1 that makes it a misdemeanor offense to solicit prostitution within 750 feet of a school or public park.

Those of us who live in the Downtown and Chinatown neighborhood are very concerned with the prostitution that occurs throughout that area. We have several schools in our neighborhood, both public and private, and several small and medium size parks. All of these are close to the most frequently used prostitution areas.

We feel that children who travel to and from these schools and play in these parks should not have to witness sexual activity, let alone the related assaults, robberies and dropped drug paraphernalia that is associated with this conduct.

Prostitution often involves other crime, including actions that may affect passersby. Our children should not have to be in danger from this activity. Their parents should feel comfortable with their children and their friends being in otherwise safe places.

This bill would add to the increased criminal penalties that the other related bills being heard here advocate. We need to do all we can, across a wide range of legislative actions, to help reduce the very real dangers that come from prostitution activity. This measure would help in that important effort.

Thank you for the opportunity to provide testimony.



From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: Louier001@hawaii.rr.com
Subject: Testimony for HB44 on 4/4/2011 9:00:00 AM
Date: Friday, April 01, 2011 2:30:44 PM

Testimony for JDL 4/4/2011 9:00:00 AM HB44

Conference room: 016
Testifier position: support
Testifier will be present: Yes
Submitted by: Roland Louie
Organization: Individual
Address:
Phone:
E-mail: Louier001@hawaii.rr.com
Submitted on: 4/1/2011

Comments:



March 24, 2011

Senator Clayton Hee, Chair
Senator Maile S. L. Shimabukuro, Vice-Chair
Senate Judiciary and Labor Committee
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Subject: Strong Support for HB 44 HD1

Dear Chair Hee, Vice-Chair Shimabukuro and Members of the Senate Judiciary and Labor Committee:

Thank you for this opportunity to submit testimony in strong support of HB 44 HD1 which we believe will help to discourage the promotion and solicitation of prostitution in our communities.

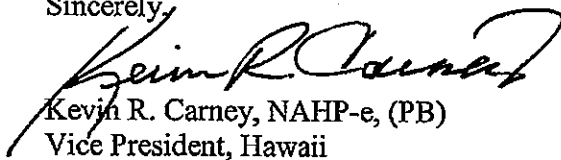
We are not attorneys and do not know what the legal ramifications may be by making solicitation of prostitution near schools or public parks a misdemeanor. EAH Housing is a non-profit public benefit corporation that owns and manages 859 low-income rental apartments in the downtown Honolulu area. Our testimony is based on what we and our tenants see happening on a day to day basis in our community.

For those who live or work downtown, particularly in the Chinatown area, prostitution is not a hidden occupation. We see those who work in this "business" everyday on our street corners and in our alley ways. Our children see them when they leave for school in the mornings and when they come home in the afternoons. They see them when they go out to play every day. Take a drive along Aala Street, Kukui Street, Maunakea Street or River Street to name a few and you can spot them. It is nearly impossible to avoid them. And our children and young families are exposed to them every single day. No, they are not hidden. They are in our face every day and we need to do something about it.

EAH strongly believes that increased penalties are needed to help to curtail this very pervasive problem in our communities. We believe that reducing prostitution will also reduce crimes related to prostitution such as crimes involving drugs, assault, battery and robbery.

Please help us improve the living conditions in our neighborhoods and protect the children in our communities from exposure to this "business" by supporting bills like this that attempt to limit the activity and increase the penalties for participating in such activity.

Sincerely,


Kevin R. Carney, NAHP-e, (PB)
Vice President, Hawaii

Hawaii Regional Office
841 Bishop Street, Suite 2208
Honolulu, Hawaii 96813
808 / 523-8826 ■ Fax 808 / 523-8827

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Main Office
2169 East Francisco Blvd., Suite B
San Rafael, California 94901-5531
415 / 258-1800 ■ Fax 415 / 453-4927

rhoads2 - Kelly

From: rhoads3 - Anthony on behalf of Rep. Karl Rhoads
Sent: Thursday, March 24, 2011 2:48 PM
To: rhoads2 - Kelly
Subject: FW: HB 44

Follow Up Flag: Follow Up
Flag Status: Flagged

From: Wesley F. Fong [mailto:wesleyf.fong@hawaiiintel.net]
Sent: Wednesday, March 16, 2011 10:25 PM
To: Rep. Karl Rhoads
Subject: FW: HB 44

From: Wesley F. Fong [mailto:wesleyf.fong@hawaiiintel.net]
Sent: Wednesday, March 16, 2011 10:22 PM
To: 'Senator Clayton Hee'
Subject: HB 44

Senator Hee: I am writing in support of hearing HB 44 regarding prostitution within 750 feet of a school. As President of Mun Lun Chinese School with an enrollment of over 340 students, there is a concern by the faculty about prostitutes roaming the area of the school, especially if there are evening activities at the school and they live nearby the school and have to walk home. Both our school faculty and parents are always concerned about the safety of our students. Thank you.

Wesley F. Fong
President
Mun Lun School
© 220-5266

E A H KUKUI TOWER



KUKUI KAHALE, INC

35 North Kukui Street, Honolulu HI 96817-4118

Phone: (808) 537-4935 Fax: (808) 537-9682 TDD: (877) 447-5991

kt-manager@eahhousing.org www.eahhousing.org

Creating community by developing, managing and promoting quality affordable housing since 1968

February 22, 2011

The Honorable Karl Rhoads
House of Representatives
Hawaii State House
415 South Beretania Street
Honolulu, HI 96813

Dear Mr. Rhoads:

RE: HEARINGS ON PROSTITUTION-RELATED BILLS HB 44, HB 241, AND HB 242

On behalf of the approximate one thousand residents at 35 North Kukui Street, we are writing in support of the above referenced bills.

It is well known that prostitution related crime has long plagued the Chinatown neighborhood. The extent was such that the City designated it as a zone of significant activity, thereby requiring special attention. This prostitution related crime is highly detrimental to the quality of life, health, and safety of our residents.

For example, if choosing to walk across the street to the local Zippy's for supper there's a good chance that our residents must run the gauntlet of transvestite prostitutes. They are hesitant to send their teenager the one short block to Safeway for a quart of milk because female prostitutes flaunt their wares behind Long's Drugs. This is the same route used by our youth to access Central Middle School offering grades six to eight. Children must be carefully monitored when going on a family stroll of the neighborhood for fear of pricking themselves on a discarded needle. Our elderly are only now again beginning to enjoy their evening socializing in front of the building's entry. This was rendered inadvisable when a pimp related murder occurred adjacent to the building. Youth are put at risk by being confronted with a "flashy" alternative life style that offers attractive people, impressive cars, fancy clothes, and fast money.

Kukui Tower participates in the U.S. Department of Housing and Urban Development's program referred to as the "Cop-in-the-Neighborhood". It is intended to contribute to the overall safety and security of HUD properties, and in return for a free apartment the property receives thirty-two hours of service of a Honolulu police officer. Part of this service includes routine patrols, and every month the officer's report includes the grim statistics of prostitution related crime on Kukui Street.

Noteworthy in these statistics is the high incidence of "Johns" as compared to female and transvestite prostitutes, drug action, and vehicles engaged in criminal activity. Other jurisdictions have found that targeting "Johns" is the most effective assault on prostitution, including publishing the names and photographs of convicted "Johns" in the local newspaper. This is why we believe bills HB 44 and HB 242 in particular merit your support.



EAH is an "Equal Opportunity" housing provider and does not discriminate on the basis of handicapped status in the admission or access to, or treatment or employment in, its federally assisted programs and activities.



In short, we urge you to give full consideration to the subject bills as measures to curtail Chinatown's prostitution activity, and encourage you to see them through to successful passage. Our residents will be most pleased to learn of your progress in this regard.

Sincerely,



David L. Treusch
Property Manager
Authorized Managing Agent for Kukui Kauhale, Inc.