

JAN 21 2011

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# 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



1 activity that is detrimental to the health, safety, or  
2 welfare of the general public; or

3 (b) Alters the boundaries of any existing area under  
4 paragraph (a);

5 provided that not more than four areas may be designated within  
6 the State.

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

13 (5) As an option to the mandatory term of thirty days  
14 imprisonment, if the court finds the option is warranted based  
15 upon the defendant's record, the court may place the defendant  
16 on probation for a period not to exceed six months, subject to  
17 the mandatory condition that the defendant observe geographic  
18 restrictions that prohibit the defendant from entering or  
19 remaining on public property, in Waikiki and other areas in the  
20 State designated by county ordinance during the hours from 6  
21 p.m. to 6 a.m. Upon any violation of the geographic  
22 restrictions by the defendant, the court, after hearing, shall



1 revoke the defendant's probation and immediately impose the  
2 mandatory thirty-day term of imprisonment. Nothing contained in  
3 this subsection shall be construed as prohibiting the imposition  
4 of stricter geographic restrictions under section 706-624(2)(h).

5 (6) Any person charged under this section may be admitted  
6 to bail, pursuant to section 804-4, subject to the mandatory  
7 condition that the person observe geographic restrictions that  
8 prohibit the defendant from entering or remaining on public  
9 property, in Waikiki and other areas in the State designated by  
10 county ordinance during the hours from 6 p.m. to 6 a.m.

11 Notwithstanding any other provision of law to the contrary, any  
12 person who violates these bail restrictions shall have the  
13 person's bail revoked after hearing and shall be imprisoned  
14 forthwith. Nothing contained in this subsection shall be  
15 construed as prohibiting the imposition of stricter geographic  
16 restrictions under section 804-7.1.

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



1 appropriate subsection can be held, which hearing shall be held  
2 as soon as reasonably practicable.

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

6 (A) the motor vehicle was used in the commission of  
7 the crime; and

8 (B) the person arrested is the registered owner of  
9 the vehicle or the vehicle is a rental vehicle.

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

14 [~~8~~] (9) For purposes of this section:

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

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

21 "Public property" includes any street, highway, road,  
22 sidewalk, alley, lane, bridge, parking lot, park, or other



1 property owned or under the jurisdiction of any governmental  
2 entity or otherwise open to the public.

3 "Rental vehicle" means a motor vehicle:

4 (1) Of the private passenger type including passenger  
5 vans, minivans, and sport utility vehicles; or

6 (2) Of the cargo type, including cargo vans or pickup  
7 trucks with a gross vehicle weight of less than  
8 twenty-six thousand pounds,

9 that do not require a commercial driver's license for the  
10 operation of the vehicle."

11 "Sexual conduct" has the same meaning as in section 712-  
12 1200(2).

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

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



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

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

