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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. Chapter 712, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I be appropriately  
3 designated and to read as follows:

4           "§712-     Impoundment of vehicle; wheel clamp. (1) In  
5 addition to any other penalty that may be provided under this  
6 part, a person who is arrested for committing the offense of  
7 prostitution under section 712-1200, promoting prostitution in  
8 the first degree under section 712-1202, promoting prostitution  
9 in the second degree under section 712-1203, street solicitation  
10 of prostitution in designated areas under section 712-1207, or  
11 solicitation of prostitution near schools or public parks under  
12 section 712-1209, the arresting officer at the time of the  
13 arrest may place or cause to be placed a wheel clamp, wheel  
14 boot, or similar device on a motor vehicle if:

15           (a) The motor vehicle was used by the person in the course  
16 of commission of a crime to which this section  
17 applies; and



1        (b) The person arrested is the registered owner of the  
2                    motor vehicle or the motor vehicle is a rental  
3                    vehicle.

4        The vehicle shall be towed to and stored on the arrested  
5        person's property with the wheel clamp or wheel boot in place  
6        until payment of the additional fine under subsection (3), or  
7        until an acquittal or dismissal of the case against the person,  
8        at which time the wheel clamp or wheel boot shall be removed.  
9        In the case of a rental vehicle, the lessor of the vehicle shall  
10       be notified of the location of the rental vehicle for pick up by  
11       the lessor, in lieu of placement of a wheel clamp or wheel boot.

12        (2) As used in this section:

13        "Motor vehicle" means every vehicle which is self-propelled  
14        and every vehicle which is propelled by electric power but not  
15        operated upon rails and includes a rental vehicle.

16        "Rental vehicle" shall have the same meaning as in section  
17        437D-3, and includes:

18        (1) A private passenger vehicle including passenger vans,  
19                    minivans, and sport utility vehicles; and

20        (2) A cargo vehicle cargo van or pickup truck with a gross  
21                    vehicle weight of less than twenty-six thousand  
22                    pounds;



1 provided that the type of rental vehicle shall not require a  
2 commercial driver's license for the operation of the vehicle.

3 "Wheel clamp" or "wheel boot" means a device that is  
4 designed to prevent vehicles from being moved. In its most  
5 common form, it consists of a clamp that surrounds a vehicle  
6 wheel, designed to prevent removal of both itself and the wheel.

7 (3) In addition to any other fines that may be imposed for  
8 a conviction of committing the offense of prostitution under  
9 section 712-1200, promoting prostitution in the first degree  
10 under section 712-1202, promoting prostitution in the second  
11 degree under section 712-1203, street solicitation of  
12 prostitution in designated areas under section 712-1207, or  
13 solicitation of prostitution near schools or public parks under  
14 section 712-1209, the court shall impose an additional fine of  
15 \$1,000, which shall be distributed as follows:

16 (a) \$500 shall be deposited into the domestic violence and  
17 sexual assault special fund under section 321-1.3, for  
18 programs and services under the fund as well as to  
19 provide counseling to victims of domestic violence or  
20 sexual assault; and

21 (b) \$500 shall be deposited into the general fund of the  
22 county in which the arrest occurred."



1 SECTION 2. There is appropriated out of the general  
2 revenues of the State of Hawaii the sum of \$ or so  
3 much thereof as may be necessary for fiscal year 2012-2013 as a  
4 grant-in-aid to the counties to purchase wheel clamps or wheel  
5 boots for the purposes of this Act.

6 The appropriated sum shall be allocated as follows:

- 7 (1) City and County of Honolulu \$
- 8 (2) County of Kauai \$
- 9 (3) County of Maui \$
- 10 (4) County of Hawaii \$

11 The sum appropriated shall be expended by the department of  
12 transportation for the purposes of this Act.

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval;  
15 provided that section 2 shall take effect on July 1, 2012.



**Report Title:**

Prostitution; Appropriation

**Description:**

Authorizes an arresting officer to place or caused to be placed at the time of the arrest a wheel clamp or wheel boot of the vehicle used by the person in the course of committing certain crimes of prostitution. Provides for additional fine to be deposited into the domestic violence and sexual assault special fund and the county general fund. Makes grant-in-aid to each county to purchase wheel clamps or wheel boots. (SD1)

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

