

Honolulu, Hawaii
Feb 6, 2012

RE: H.B. No. 2235
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 2235 entitled:

"A BILL FOR AN ACT RELATING TO PROSTITUTION,"

begs leave to report as follows:

The purpose of this measure is to protect survivors of human trafficking by:

- (1) Authorizing a person convicted of committing the offense of prostitution to file a motion to vacate the conviction under certain circumstances; and
- (2) Establishing procedures for the motion to vacate.

Two concerned individuals supported the measure. The Pacific Alliance to Stop Slavery, IMUAlliance, and Tahirih Association supported the measure with amendments. The Honolulu Police Department opposed the measure. A concerned individual offered comments on the measure.

Your Committee notes the concerns raised by the Honolulu Police Department that the measure would allow anyone convicted of prostitution and other related offenses to file a motion to vacate a conviction based on having been a victim of promoting prostitution in either the first degree or in the second degree, which would allow anyone convicted of prostitution who had a "pimp" or was otherwise assisted by someone who advances or

HB2235 HD1 HSCR HUS HMS 2012-1518



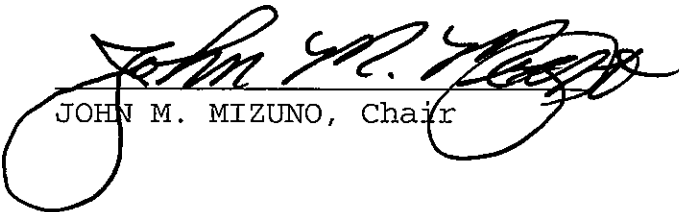
profits from prostitution, to file the motion. The Honolulu Police Department, however, expressed that it does not oppose the measure as it applies to those whose conviction is the result of victimization by promoting prostitution in the first degree only or by any other form of force, threat, fraud, or intimidation.

Your Committee has amended this measure by:

- (1) Changing its effective date to July 1, 2050, to promote further discussion; and
- (2) Making technical, nonsubstantive changes for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2235, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2235, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,

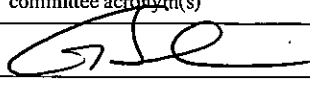

JOHN M. MIZUNO, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 86-12

Record of Votes of the Committee on Human Services

Bill/Resolution No.: HIB 2235	Committee Referral: HUS, JUD, FIN	Date: JAN 30, 2012		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	✓			
2. JORDAN, Jo (VC)	✓			
3. BELATTI, Della Au				✓
4. HANOHANO, Faye P.	✓			
5. LEE, Chris				✓
6. MORIKAWA, Dee	✓			
7. WOOLEY, Jessica	✓			
8. YAMANE, Ryan I.	✓			
9. CHING, Corinne W.L.	✓			
10. PINE, Kimberly Marcos	✓			
TOTAL (10)	8			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				