

Honolulu, Hawaii

March 23, 2012

RE: S.B. No. 2579  
S.D. 2  
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2579, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose of this measure is to assist children who have been sexually exploited by, among other things:

- (1) Requiring the Department of Human Services to develop a victim services program to address the needs of sexually exploited children and minors at risk of being sexually exploited;
- (2) Granting the Family Court exclusive original jurisdiction in proceedings involving persons under eighteen years of age who are charged with specified offenses and later granted an exemption;
- (3) Increasing the statute of limitations for promotion of prostitution by coercion to six years from two years and adding additional conditions under which the statute of limitations will be tolled; and
- (4) Allowing an exemption from prosecution under specified offenses involving prostitution if it is determined that



the person was less than eighteen years of age at the time the offense was allegedly committed.

The Polaris Project and several concerned individuals supported this bill. Imua Alliance, The Pacific Alliance to Stop Slavery, and a concerned individual supported this measure with amendments. The Department of Human Services and Honolulu Police Department opposed this bill. The Department of the Attorney General, Department of Health, Department of the Prosecuting Attorney of the City and County of Honolulu, and Harm Reduction Hawaii provided comments.

Your Committee has amended this measure by:

- (1) Removing language stating that sexually exploited children may be subject to the protective custody of a law enforcement agent when the child's family is unable to provide for the child's health or safety;
- (2) Inserting language stating that sexually exploited children may be subject to no cost emergency shelter and related services provided by the Department of Human Services when the child communicates informed consent to the rules and requirements of the shelter and services;
- (3) Removing provisions that grant the Family Court exclusive original jurisdiction in proceedings involving persons under eighteen years of age who are charged with specified offenses and later granted an exemption;
- (4) Removing provisions that increase the statute of limitations for promotion of prostitution by coercion to six years from two years and adding additional conditions under which the statute of limitations will be tolled;
- (5) Changing its effective date to January 7, 2059, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2579, S.D. 2, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 2579, S.D. 2, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
GILBERT KEITH-AGARAN, Chair



