
From: Sherrie Seki
Sent: Friday, February 24, 2012 8:28 AM
To: hee3 - Keiki
Subject: FW: Amendments to SB 226 - Vehicle Impounding (patrons of prostitution cars)
Attachments: Amend226.doc

From: K Jammer [<mailto:kathy@traffickjamming.org>]
Sent: Friday, February 24, 2012 7:56 AM
To: Andria Pakele
Cc: Sherrie Seki; IMUAlliance
Subject: Amendments to SB 226 - Vehicle Impounding (patrons of prostitution cars)

Aloha, Andrea!

I hope you are well. Please find attached to this email suggested amendments to SB226 which will be heard today. I apologize for this being submitted late. These attached amendments will help clarify language to focus on patrons of prostitution as well as the pimps, and not the victims. We also changed the language to make the clamp compulsory rather than a choice.

We (PASS and Imua Alliance) will also be in attendance at the hearing to make sure the committee receives these amendments. I just wanted to make sure you received this.

--

Kathryn Xian
Executive Director
Pacific Alliance to Stop Slavery
2010 Weinberg Foundation Fellow

www.traffickjamming.org
www.twitter.com/traffickjamming
www.facebook.com/traffickjamming

"The slave breeders and slave traders are a small odious and detested class among you, and yet in politics they dictate the course of all of you" - Abraham Lincoln

"Slavery still exists, but now it applies only to women and its name is 'prostitution.'" - Victor Hugo

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Amendments (in bold) – SB 226, Section 1(1) – Pacific Alliance to Stop Slavery/IMUAlliance

"§712- Impoundment of vehicle; wheel clamp. (1) In addition to any other penalty that may be provided under this part, **for a person who is arrested for:**

(a) paying, agreeing to pay, or offering to pay a fee to another person to engage in sexual conduct under section 712-1200, street solicitation of prostitution in designated areas under section 712-1207, solicitation of prostitution near schools or public parks under section 712-1209; or

(b) advancing or profiting from prostitution by promoting prostitution in the first degree under section 712-1202 or promoting prostitution in the second degree under 712-1203,

the arresting officer at the time of the arrest **shall** place or cause to be placed a wheel clamp, wheel boot, or similar device on a motor vehicle **used by the person in the course of commission of a crime to which this section applies, provided that the person arrested is the registered owner of the motor vehicle or the motor vehicle is a rental vehicle.**

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

NEIL ABERCROMBIE
GOVERNOR



GLENN M. OKIMOTO
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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

February 24, 2012

**SENATE BILL NO. 226, S.D. 1
RELATING TO PROSTITUTION**

SENATE COMMITTEE ON JUDICIARY AND LABOR

The Department of Transportation (DOT) takes no position on this bill.

However, the DOT is not responsible for the enforcement of prostitution and should not be the expending agency of the funds appropriated out of the general revenues of the State for the grant-in-aid to the counties to purchase wheel clamps or wheel boots for the purposes of this bill.

Thank you for the opportunity to provide testimony.



Dear Senator Chair Clayton Hee, Vice-Chair Maile Shimabukuro, and Committee Members,

We are in opposition of bill SB2504 because the pet stores seem to be the main target in this whole issue. There is bill after bill coming up only pertaining to us as pet stores. It doesn't seem fair that "reputable breeders" are not included in these bills. Or even the Humane Society and any other non-profit organization. Why would all of these bills only work for them? Everyone takes the Humane Society's "word for it" when it comes to pet stores. They make us look so horrible.

We do so much for the pet and the customer and develop a relationship with them because they always come back for supplies for their pets or just to bring their puppy by to show us how they've grown, etc. They even come to us for advice on training, spaying and neutering, etc. Every person that goes home with a puppy has been examined by our veterinarian, which we have worked with for over 20 years, their 1st vaccination, fecal check, worming or any other necessary medication if needed. We have a medical record that has notes from the veterinarian also. Then the new customer has 3 working days to take their puppy in to our veterinarian again for a 2nd examination to make sure everything is clear with their purchase, otherwise they notify us and we take care of whatever issue is at hand. Most people or "reputable" breeders don't even offer these things prior to sale of their puppies.

When it comes to microchipping, it should be the customers' responsibility or option to do it. Many times, they will receive a microchip yet not even register their information. Why should we force something like that upon them? If we were to administer this at the time of the sale of puppies, it is going to be very traumatic to not only the puppy, but the customer as well. It is not a painless procedure.

Breeder information is confidential and should be left alone. Why should it be so readily available for any law enforcement to see? If there is any type of complaint or litigation then there is good reason. People bring their animals to us because they don't want to have to deal with people coming to their home, rearranging schedules to meet with them, etc. They KNOW that we find good homes and that they are well taken care of. If we need to, we can contact them if there are any problems.

We want to express our side of view because it seems that the Humane Society keeps making us look bad, therefore blurring others views.

Mahalo for your time,

Mel & Napua Furtado and Koolau Pets

February 24, 2012

To: Hon. Clayton Hee, Chair
Hon. Maile S.L. Shimabukuro,
And members of the Senate Committee on Judiciary and Labor

From: Adrianna Seals

Subject: Passing of Senate Bill 226 SD1, relating to motor vehicles and prostitution.

I strongly support SB226 SD1, and would like for you to support this bill as well. I believe that this bill would help defeat the prostitution issue in Hawaii. With SB226 SD1, anyone who is convicted of charges of prostitution in the first or second degree, or any sort of street solicitation, including solicitation near parks or schools, will have to pay a fine of \$1000. Half of the recompenses collected from this order will be used to help those who receive support from the domestic violence and sexual assault special fund, and half will be placed into the general fund of the county where the person or people involved were arrested. Vehicles involved would be impounded and booted, meaning a wheel clamp or wheel boot would be placed on it, with which this would only be removed when payment of the additional fine is received, or those involved received an acquittal or dismissal of their case.

I believe that with this bill, Hawaii's battle against sex trade, prostitution and sexual assault or issues similar to it, would be helped more. I support SB226, and I hope you will support it too. Thank you for your time and consideration.



The PACIFIC ALLIANCE
STOP SLAVERY

DATE: February 23, 2012

ATTN: SENATE COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Senator Mike Gabbard
Senator Sam Slom
Senator Les Ihara Jr.

DATE: Friday, February 24, 2012

TIME: 11:30 a.m.

PLACE: Conference Room 016, State Capitol, 415 South Beretania Street

RE: TESTIMONY IN SUPPORT OF SB 226 SD1 WITH AMENDMENTS –
RELATING TO PROSTITUTION

Dear Committee on Judiciary and Labor:

The Pacific Alliance to Stop Slavery (PASS) is in support of this bill with amendments. PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of over 7000 persons.

SB 226 SD1, with amendments included below, will allow create a significant deterrent to prostitution and aid in ending the demand for both prostitution and sex-trafficking. The current penalty for patrons of prostitution is a petty misdemeanor, a penalty that has not increased since the 1970s.

It is time that Hawaii take a proactive strategy in combating the rise of human trafficking and employ this proposed bill to not only deter prostitution and sex-trafficking but also help fund investigations and services for victims. Human Trafficking is a 37 billion dollar per year industry and PASS firmly believes that this bill will address both ending the demand for this crime against humanity as well as provide a substantial source of funding for services.

We urge you to support this much needed legislation and recommend that SB 226 SD1 be amended as follows:

- 1) Page 1, line 13: "...arrest ~~may~~ **shall** place or cause to be placed a wheel clamp, wheel..."
- 2) Amend the penalty fee language of SB226 SD1 with regard to 712-1200 (prostitution), 712-1207 (street prostitution), and 712-1209 (prostitution near parks or schools) to apply only to those **paying, agreeing to pay, or offering to pay a fee to another person to**



engage in sexual conduct.

- 3) Page 3, lines 19 and 20: “...provide counseling or other services to victims of ~~domestic violence or sexual assault~~ promoting prostitution or sex trafficking as defined by Section 102 of the Victims of Trafficking and Violence Protection Act of 2000, 22 United States Code Chapter 78, Section 7102 as amended; and..”
- 4) And, finally, to increase the penalty fee to \$2000 for those who advance prostitution under 712-1202 (promoting prostitution in the first degree) and 712-1203 (promoting prostitution in the second degree), with \$1000 of this fee deposited into domestic violence and sexual assault special fund under section 321-1.3 and the remaining \$1000 deposited to the general fund of the county in which the arrest occurred.

Thank you very much for hearing this measure.

Sincerely,

Kathryn Xian
Executive Director
Pacific Alliance to Stop Slavery

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 23, 2012 11:53 PM
To: JDLTestimony
Cc: ashman.janet@gmail.com
Subject: Testimony for SB2647 on 2/24/2012 9:30:00 AM
Attachments: SB2647 proposed SD2 firearms JDL.doc

Testimony for JDL 2/24/2012 9:30:00 AM SB2647

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Janet Ashman
Organization: Hawaii Farm Bureau Federation
E-mail: ashman.janet@gmail.com
Submitted on: 2/23/2012

Comments:

Please find attached our Proposed Senate Draft 2 for SB 2647. It did not go through with our previously submitted testimony.

Thank you.

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

February 24, 2012

S.B. No. 226 SD1: RELATING TO PROSTITUTION

Chair Hee and Members of the Committee:

We oppose passage of S.B. No. 226 SD1 because it would treat a violator of prostitution laws differently if he/she uses a motor vehicle as opposed to one who does not use a vehicle. We do not believe that the seizure of one's vehicle is a penalty which is rationally related to prostitution or prostitution-related offenses. Currently, there are no provisions for seizure of one's motor vehicle even for driving-related offenses such as Driving Under the Influence of an Intoxicant.

The provisions of this bill may cause someone to lose his/her job and render him/her unable to pay the required fine. The resulting inability to pay the court-ordered fines will partially defeat one of the purposes of the bill which is to deposit proceeds from collected fines into the domestic violence and sexual assault special fund.

Thank for the opportunity to comment on this measure.