

SB 226

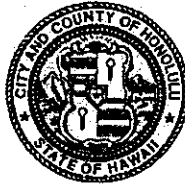
RELATING TO PROSTITUTION

Description:

Provides that the county may impound vehicles used in the commission of street prostitution in specified zones as established by the counties.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



PETER B. CARLISLE
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE JM-TA

February 9, 2012

The Honorable Will Espero, Chair
and Members
Committee on Public Safety, Government
Operations, and Military Affairs
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Espero and Members:

SUBJECT: Senate Bill No. 226, Relating to Prostitution

I am John McEntire, Major of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes Senate Bill No. 226, Relating to Prostitution.

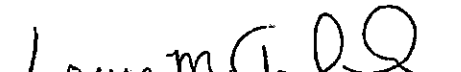
Although we applaud efforts to curb prostitution in Honolulu, we feel there are other means of accomplishing the goals set forth in this bill. We believe that the number of arrests that meet the criteria does not justify the expense that the Honolulu Police Department would incur to locate and maintain a facility to store the impounded vehicles.

By amending the existing forfeiture laws, we could utilize procedures that are already in place. This would alleviate the need for the Honolulu Police Department to increase its expenses during this time of severe budgetary constraints.

The Honolulu Police Department urges you to oppose Senate Bill No. 226, Relating to Prostitution.

Thank you for the opportunity to testify.

APPROVED:


LOUIS M. KEALOHA
Chief of Police

Sincerely,


JOHN McENTIRE, Major
Narcotics/Vice Division



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

TESTIMONY FOR SENATE BILL 226, RELATING TO PROSTITUTION

Senate Committee on Public Safety, Government Operations and Military Affairs

Hon. Will Espero, Chair

Hon. Michelle N. Kidani, Vice Chair

Thursday, February 9, 2012, 2:45 PM

State Capitol, Conference Room 224

Honorable Chair Espero and committee members:

I am Kris Coffield, representing the IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in support of, with proposed amendments for SB 226, relating to prostitution.

The IMU Alliance lauds the State Legislature's efforts, last session, to curb sex trafficking and promotion of prostitution. At the same time, we call upon lawmakers to continue the fight against sex trafficking by hearing and advancing bills that combat perpetrators' demand for victims. To that end, the IMU Alliance strongly supports the enactment of "impoundment" legislation authorizing county law enforcement officials to impound vehicles used in the commission of street prostitution in specially designated zones.

That said, there are several amendments that we feel would strengthen this measure. First, we encourage the committee to use this measure as a vehicle for amending HRS §712-1200, §712-1203, §712-1207, and §712-1209 with the following language:

Notwithstanding any law to the contrary, the arresting officer may also impound the vehicle of a person violating this chapter who pays, agrees to pay, or offers to pay a fee to another person to engage in sexual conduct, if:

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

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

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

The person arrested for one or more such violations shall be charged a \$1,000 fee, to be paid to the law enforcement agency that made the arrest. The person may recover the vehicle

from impound after a minimum of 2 hours after arrest upon payment of the fee. \$500 of the fee shall be distributed to the law enforcement agency whose officer(s) made the arrest, for the costs incurred by the unit of government to tow and impound the vehicle.

Upon the defendant's conviction of one or more of the offenses in connection with which the vehicle was impounded and the fee imposed under this Section, the remaining \$500 of the fee shall be deposited into the Department of Health's Domestic Violence and Sexual Assault Special Fund (DVSASF), established under HRS §321-1.3, and shall be used by the Department of Human Services to make grants to non-governmental organizations to provide services for:

Victims encountered during the course of an investigation into any violation of HRS 712-1202 1(a) or 1(b), or;

Victims encountered during the course of an investigation involving sex-trafficking as defined in Section 102 of the Victims of Trafficking and Violence Protection Act of 2000, 22 United States Code Chapter 78, Section 7102, as amended.

Additionally, we respectfully request that the preceding language be incorporated into HRS §712-1202, only with an escalation of the penalty provision in proposed subsection (B) from \$1,000 to \$2,000, with \$1,000 being disbursed to the arresting agency and \$1,000 distributed to the DVSASF.

Again, the IMUAlliance thanks you for your hard work to stem sex trafficking on our shores. Room for improvement remains, however, and we feel that the measure in question will consecrate last year's momentum into a concerted movement. Mahalo for the opportunity to testify in support of SB 226.

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance



The PACIFIC ALLIANCE
to STOP SLAVERY

DATE: February 1, 2012

ATTN: SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT AFFAIRS,
AND MILITARY OPERATIONS

Sen. Will Espero, Chair
Sen. Michelle Kidani, Vice Chair
Sen. Rosalyn Baker
Sen. Pohai Ryan
Sen. Sam Slom

DATE: Thursday, February 9, 2012
TIME: 2:45pm
PLACE: Conference Room 224
State Capitol
415 South Beretania Street

RE: TESTIMONY IN SUPPORT OF **SB 226 WITH AMENDMENTS** - RELATING TO
PROSTITUTION

Dear Committee on Public Safety, Government Affairs, and Military Operations:

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, 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 include amending all applicable prostitution offenses relating to patrons of prostitution and to those who advance or profit from prostitution as defined.

With regard to patrons of prostitution, we recommend amendments in HRS 712-1200; 712-1203; 712-1207; and 712-1209 to read as follows in SB 226:



Notwithstanding any law to the contrary, the arresting officer may also impound the vehicle of a person ~~violating this chapter~~ who pays, agrees to pay, or offers to pay a fee to another person to engage in sexual conduct, if:

- (A) the motor vehicle was used in the commission of the crime; and
- (B) the person arrested is the registered owner of the vehicle or the vehicle is a rental vehicle.

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

The person arrested for one or more such violations shall be charged a \$1,000 fee, to be paid to the law enforcement agency that made the arrest. The person may recover the vehicle from impound after a minimum of 2 hours after arrest upon payment of the fee. \$500 of the fee shall be distributed to the law enforcement agency whose officer(s) made the arrest, for the costs incurred by the unit of government to tow and impound the vehicle.

Upon the defendant's conviction of one or more of the offenses in connection with which the vehicle was impounded and the fee imposed under this Section, the remaining \$500 of the fee shall be deposited into the Department of Health's Domestic Violence and Sexual Assault Special Fund (DVSASF), established under HRS §321-1.3, and shall be used by the Department of Human Services to make grants to non-governmental organizations to provide services for:

Victims encountered during the course of an investigation into any violation of HRS 712-1202 1(a) or 1(b), or;

Victims encountered during the course of an investigation involving sex-trafficking as defined in Section 102 of the Victims of Trafficking and Violence Protection Act of 2000, 22 United States Code Chapter 78, Section 7102, as amended.

Pertaining to Promoting Prostitution and those who advance or profit from prostitution (excluding the prostituted person), include below language in HRS 712-1202:

Notwithstanding any law to the contrary, the arresting officer may also impound the vehicle of a person who knowingly advances or profits from prostitution, as defined by §712-1201, if:

- (A) the motor vehicle was used in the commission of the crime; and
- (B) the person arrested is the registered owner of the vehicle or the vehicle is a rental vehicle.

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



The PACIFIC ALLIANCE
to STOP SLAVERY

The person arrested for one or more such violations shall be charged a \$2,000 fee, to be paid to the law enforcement agency that made the arrest. The person may recover the vehicle from impound after a minimum of 2 hours after arrest upon payment of the fee. \$1000 of the fee shall be distributed to the law enforcement agency whose officer(s) made the arrest, for the costs incurred by the unit of government to tow and impound the vehicle.

Upon the defendant's conviction of one or more of the offenses in connection with which the vehicle was impounded and the fee imposed under this Section, the remaining \$1000 of the fee shall be deposited into the Department of Health's Domestic Violence and Sexual Assault Special Fund (DVSASF), established under HRS §321-1.3, and shall be used by the Department of Human Services to make grants to non-governmental organizations to provide services for:

Victims encountered during the course of an investigation into any violation of HRS 712-1202 1(a) or 1(b), or;

Victims encountered during the course of an investigation involving sex-trafficking as defined in Section 102 of the Victims of Trafficking and Violence Protection Act of 2000, 22 United States Code Chapter 78, Section 7102, as amended.

Thank you very much for hearing this measure.

Sincerely,

Kathryn Xian
Executive Director
Pacific Alliance to Stop Slavery

February 8, 2012

EQUALITY NOW

MEMORANDUM IN SUPPORT OF S.B. 226

Committee: Senate Committee on Public Safety, Government Operations and Military Affairs

Hearing Date: February 9, 2012 (2:45 p.m.), Conference Room 224

Honorable Chair Espero and Committee Members:

Equality Now is an international human rights organization that works to protect and promote the rights of women and girls throughout the world. Among issues of concern to Equality Now are human trafficking, which disproportionately affects women and girls, sex tourism and other practices that promote the commercial sexual exploitation of women and girls. In the past we have worked with our partners at the Pacific Alliance to Stop Slavery on Hawaii's sex tourism law and last year's bills, H.B. 141 and H.B. 240, which outlawed labor trafficking and strengthened existing anti-prostitution laws respectively.

Equality Now endorses the 4 P's approach to combat human trafficking; prevention, protection, prosecution and promoting partnerships. The passage of H.B. 240 represented a significant step toward easing the prosecution of the johns that create the demand for sex trafficking and the pimps that traffic women and girls to satisfy that demand. The package of bills submitted this year; H.B.

2234, H.B. 2235, H.B. 1994, H.B. 1995, H.B. 2233, and S.B. 2122 if passed will provide the prevention, protection and partnership assistance to effectively combat sex trafficking and will make Hawaii a national model in this regard.

Equality Now strongly supports S.B. 226. This bill provides for impounding the vehicles of individuals arrested for violating HRS §712-1207 provided that the vehicle was used in the commission of the crime and that it was registered to the person arrested. If passed, this bill will provide a strong deterrent to the demand for prostitution that drives sex trafficking. As Ambassador Luis CdeBaca of the United States Office to Monitor and Combat Trafficking in Persons said in Hawaii in February 2011 about sex trafficking, "This is driven by demand. No girl or woman would be a victim of sex trafficking if there were no profits to be made by their exploitation."

There can be no doubt that S.B. 226 will reduce demand. A May, 2008 study by the Chicago Alliance Against Sexual Exploitation asked 113 men "what would deter you from buying sex?" 70% answered that having their car impounded would do so.

The primary goal of law enforcement towards sex trafficking must be prevention, and the most effective and least costly method of achieving this is reducing the demand for prostitution. Prosecuting sex trafficking by targeting those who purchase sex will be far less costly and time consuming than the long, expensive and personnel-intensive investigations that are often required in sex trafficking cases. The savings in lives and suffering of victims by preventing the

trafficking of persons, as opposed to the costs involved in rescuing and rehabilitating those trafficked into prostitution, is incalculable.

Therefore, Equality Now strongly supports S.B. 226 and urges its approval by the committee.

Respectively Submitted,

Kenneth J. Franzblau
Director of Anti-Trafficking Initiatives
Equality Now
250 West 57th Street
New York, New York 10019

TADIA RICE

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February 3, 2012

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Michelle N. Kidani, Vice Chair

Hearing Date: Thursday, February 9, 2012 (2:45 p.m.) Conference room 224

State Capitol, 415 South Beretania Street

TESTIMONY IN STRONG SUPPORT OF HB 226, Relating to Prostitution

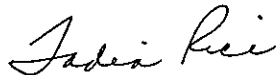
Committee: House Committee Human Services, Rep. Will Espero, Chair

Honorable Chair Espero and Committee Members:

I am very proud that last year the State of Hawaii established laws that now protect the human rights of its citizens, residents, visitors, and victims from sex and labor trafficking (HB 141 and HB 240). Both bills were important steps in rectifying Hawaii's poor record and worse reputation with regard to anti-trafficking statutes. Significantly, these laws focus on demand for labor and sex trafficking, signaling our state's move toward combating those most responsible for trafficking violations by pimps, johns, owners and managers of prostitution houses, and traffickers themselves, while protecting those who are most vulnerable.

Hawaii's State Legislature deserves kudos for all of its efforts, however lawmakers must continue their battle against human trafficking by passing bills that increase services to victims and decrease opportunity for criminal acts against those who are vulnerable. Therefore, I am offering testimony in support of SB226, relating to prostitution. I strongly support the county in impounding vehicles used in the commission of street prostitution in specified zones as established by the counties.

Mahalo for the opportunity to testify in support of SB 226.



Tadia Rice

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Friday, February 03, 2012 11:07 AM
To: PGM Testimony
Cc: [REDACTED]
Subject: Testimony for SB226 on 2/9/2012 2:45:00 PM

Testimony for PGM 2/9/2012 2:45:00 PM SB226

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Janet Hirai
Organization: Individual
E-mail: [REDACTED]
Submitted on: 2/3/2012

Comments:

I support SB226 in hopes it discourages prostitution activity and if these individuals so engages, make them pay.