
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 be appropriately designated
3 and to read as follows:

4 "§712- Solicitation of a minor for prostitution. (1) A
5 person eighteen years of age or older commits the offense of
6 solicitation of a minor for prostitution if the person offers or
7 agrees to pay a fee to a minor to engage in sexual conduct.

8 (2) Solicitation of a minor for prostitution is a class C
9 felony.

10 (3) For purposes of this section:

11 "Minor" means a person who is less than eighteen years of
12 age.

13 "Sexual conduct" has the same meaning as in section 712-
14 1200(2)."

15 SECTION 2. Section 712A-4, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§712A-4 Covered offenses.** Offenses for which property is
18 subject to forfeiture under this chapter are:



- 1 (a) All offenses that specifically authorize forfeiture;
- 2 (b) Murder, kidnapping, labor trafficking, gambling,
- 3 criminal property damage, robbery, bribery, extortion,
- 4 theft, unauthorized entry into motor vehicle,
- 5 burglary, money laundering, trademark counterfeiting,
- 6 insurance fraud, promoting a dangerous, harmful, or
- 7 detrimental drug, commercial promotion of marijuana,
- 8 methamphetamine trafficking, manufacturing of a
- 9 controlled substance with a child present, promoting
- 10 child abuse, promoting prostitution, solicitation of a
- 11 minor for prostitution, habitual solicitation of
- 12 prostitution, or electronic enticement of a child that
- 13 is chargeable as a felony offense under state law;
- 14 (c) The manufacture, sale, or distribution of a controlled
- 15 substance in violation of chapter 329, promoting
- 16 detrimental drugs or intoxicating compounds, promoting
- 17 pornography, promoting pornography for minors, or
- 18 [~~promoting prostitution,~~] solicitation of prostitution
- 19 near schools or public parks, which is chargeable as a
- 20 felony or misdemeanor offense, but not as a petty
- 21 misdemeanor, under state law; and



1 (d) The attempt, conspiracy, solicitation, coercion, or
 2 intimidation of another to commit any offense for
 3 which property is subject to forfeiture."

4 SECTION 3. Section 846E-1, Hawaii Revised Statutes, is
 5 amended by amending the definition of "sexual offense" to read
 6 as follows:

7 "Sexual offense" means an offense that is:

8 (1) Set forth in section 707-730(1)(a), 707-730(1)(b),
 9 707-730(1)(c), 707-730(1)(d) or (e), 707-731(1)(a),
 10 707-731(1)(b), 707-731(1)(c), 707-732(1)(a),
 11 707-732(1)(b), 707-732(1)(c), 707-732(1)(d),
 12 707-732(1)(e), 707-732(1)(f), 707-733(1)(a),
 13 707-733.6, 712-1202(1)(a), 712-1202(1)(b), or
 14 712-1203(1), but excludes conduct that is criminal
 15 only because of the age of the victim, as provided in
 16 section 707-730(1)(b), or section 707-732(1)(b) if the
 17 perpetrator is under the age of eighteen;

18 (2) An act defined in section 707-720 if the charging
 19 document for the offense for which there has been a
 20 conviction alleged intent to subject the victim to a
 21 sexual offense;

22 (3) An act that consists of:



- 1 (A) Criminal sexual conduct toward a minor, including
- 2 but not limited to an offense set forth in
- 3 section 707-759;
- 4 (B) Solicitation of a minor who is less than fourteen
- 5 years old to engage in sexual conduct;
- 6 (C) Use of a minor in a sexual performance;
- 7 (D) Production, distribution, or possession of child
- 8 pornography chargeable as a felony under section
- 9 707-750, 707-751, or 707-752;
- 10 (E) Electronic enticement of a child chargeable under
- 11 section 707-756 or 707-757 if the offense was
- 12 committed with the intent to promote or
- 13 facilitate the commission of another covered
- 14 offense as defined in this section; or
- 15 (F) Solicitation of a minor [~~to practice~~] for
- 16 prostitution[+] in violation of section 712- ;
- 17 (4) A violation of privacy under section 711-1110.9;
- 18 (5) A criminal offense that is comparable to or that
- 19 exceeds a sexual offense as defined in paragraphs (1)
- 20 through (4) or any federal, military, or out-of-state
- 21 conviction for any offense that under the laws of this



1 State would be a sexual offense as defined in
 2 paragraphs (1) through (4); or
 3 (6) An act, as described in chapter 705, that is an
 4 attempt, criminal solicitation, or criminal conspiracy
 5 to commit one of the offenses designated in paragraphs
 6 (1) through (5)."

7 SECTION 4. Section 846E-10, Hawaii Revised Statutes, is
 8 amended by amending subsection (d) to read as follows:

9 "(d) Tier 1 offenses. A covered offender who has
 10 maintained a clean record for the previous ten years, excluding
 11 any time the offender was in custody or civilly committed, and
 12 who has substantially complied with the registration
 13 requirements of this chapter for the previous ten years, or for
 14 the portion of that ten years that this chapter has been
 15 applicable, and who is not a repeat covered offender may
 16 petition the court, in a civil proceeding, for termination of
 17 registration requirements; provided that the covered offender's
 18 most serious covered offense is one of the following:

19 (1) Any offense set forth in section 707-732(1)(d) or (e),
 20 707-733(1)(a), 707-752, 707-759, 711-1110.9,
 21 712-1202(1)(a), [or] 712-1203(1), or 712-_____;



- 1 (2) An offense set forth in section 707-721 or 707-722;
2 provided that the offense involves unlawful
3 imprisonment of a minor by someone other than a
4 parent;
- 5 (3) An offense set forth in section 707-757 that includes
6 an intent to promote or facilitate the commission of
7 another covered offense as defined in section 846E-1;
- 8 (4) An offense that is an attempt, criminal solicitation,
9 or criminal conspiracy to commit any of the offenses
10 in paragraph (1), (2), or (3);
- 11 (5) Any criminal offense that is comparable to one of the
12 offenses in paragraph (1), (2), (3), or (4); or
- 13 (6) Any federal, military, or out-of-state offense that is
14 comparable to one of the offenses in paragraph (1),
15 (2), (3), or (4)."

16 SECTION 5. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 7. This Act shall take effect upon its approval.



Report Title:

Prostitution; Minors; Offenses; Statute of Limitations;
Forfeiture; Sex Offender Registry

Description:

Makes solicitation of a minor for prostitution a crime. Adds the offenses of solicitation of a minor for prostitution, habitual solicitation of prostitution, and solicitation of prostitution near schools and public parks to the State's forfeiture laws. Requires registration with the sexual offender registry for conviction of solicitation of a minor for prostitution as a tier 1 offense. (SB192 HD1)

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