

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY

ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE KARL RHOADS, CHAIR**  
**HOUSE COMMITTEE ON JUDICIARY**  
**Twenty-Seventh State Legislature**  
**Regular Session of 2013**  
**State of Hawai'i**

February 21, 2013

**RE: H.B. 1066; RELATING TO PROSTITUTION.**

Chair Rhoads, Vice-Chair Har, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu (Department) submits the following testimony in support of H.B. 1066.

H.B. 1066 does the following:

1. Makes solicitation of a minor for prostitution a crime.
2. Increases the statute of limitations to bring a cause of action for coercion into prostitution from two to six years.
3. Clarifies the minimum and maximum fine for a person convicted of committing the offense of prostitution.
4. Adds the offenses of solicitation of a minor for prostitution, habitual solicitation of prostitution, and solicitation of prostitution near schools and public parks under the State's forfeiture laws.
5. Amends the definition of "sexual offense" under the sexual offender registry laws to include acts that consist of the solicitation of a minor who is less than eighteen years of age for prostitution.

The Department of the Prosecuting Attorney of the City and County of Honolulu has been working with advocates who work to protect females who are lured or forced into prostitution. The legislative proposals in H.B. 1066 will play a role in discouraging the demand for prostitution.

As evidenced in much of our legislative proposals, besides prosecution, the Department is a strong advocate for education, prevention, and rehabilitation programs as well. We will continue to support such programs that focus on prostitution and issues related to prostitution for our community.

For these reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports H.B. 1066. Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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

KIRK W. CALDWELL  
MAYOR



LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. McCAULEY  
DEPUTY CHIEFS

OUR REFERENCE JI-TA

February 21, 2013

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State House of Representatives  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

Subject: House Bill No. 1066, Relating to Prostitution

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

The Honolulu Police Department supports House Bill No. 1066, Relating to Prostitution.

Since children are vulnerable and deserve additional protection, it is reasonable to strengthen statutes and penalties for crimes that exploit our youth. We also recognize that the victims of such cases experience intense physical and mental trauma. Extending the statute of limitations from two to six years would allow them greater time to get assistance without relinquishing their right to seek justice.

The additional changes amending the State's forfeiture and sexual offender registry laws would ensure that the registry remains consistent with current statutes. This sends a strong message to individuals willing to engage in prostitution activity.

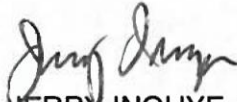
Although we support the bill, we propose that lines 4 to 7 on page 1 be changed to "[A person] An adult commits the offense of solicitation of a minor for prostitution if the person offers or agrees to pay a fee to a minor to engage in sexual conduct." Ensuring that the offender is 18 years of age or older would clarify the intent of the bill, which is to address adults soliciting minors for prostitution. This would also be consistent with other statutes in which the age of the suspect relative to the victim affects the severity of the crime.

The Honorable Karl Rhoads, Chair  
and Members  
Page 2  
February 21, 2013

Subject to the above amendment, we urge you to support House Bill No. 1066, Relating to Prostitution.

Thank you for the opportunity to testify.

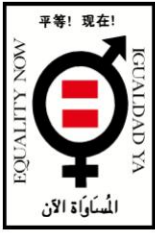
Sincerely,

  
JERRY INOUE, Major  
Narcotics/Vice Division

APPROVED:

  
LOUIS M. KEALOHA  
Chief of Police





# EQUALITY NOW

New York: 250 West 57 Street, #1720, New York, NY 10107, USA • Tel: +1 212-586-0906 • Fax: +1 212-586-1611 • Email: [info@equalitynow.org](mailto:info@equalitynow.org)  
London: 1 Birdcage Walk, London SW1H 9JJ, UK • Tel: +44 (0) 20-7304-6902 • Fax: +44 (0) 20-7973-1292 • Email: [ukinfo@equalitynow.org](mailto:ukinfo@equalitynow.org)  
Nairobi: PO Box 2018 - 00202, Nairobi, Kenya • Tel: +254 20-2719-832 • Fax: +254 20-2719-868 • Email: [equalitynownairobi@equalitynow.org](mailto:equalitynownairobi@equalitynow.org)

February 20, 2013

## MEMORANDUM IN SUPPORT OF HB 1066

**Committee:** House Committee on Judiciary

**Hearing Date:** February 21, 2013 (2:00 p.m.)

**Place:** Conference Room 325  
State Capitol  
415 South Beretania Street

Honorable Chair Rep. Rhoads 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 subsequent legislation, which outlawed labor trafficking and strengthened existing anti-prostitution laws.

Equality Now endorses the "3P's" approach to combat trafficking, prevention, protection and prosecution. We believe that passage of HB 1066 would represent a significant advance in Hawaii's anti-trafficking efforts by making prosecutions of those who create the demand for the trafficked persons by soliciting prostitution more tenable, and thus preventing trafficking to and within Hawaii.

HB 1066 would make solicitation of a minor for prostitution a crime. HB 1066 will prevent purchasers of sex from having their records expunged after six months. Both of these bills accord with Equality Now's belief that the primary goal of law enforcement

concerned about sex trafficking should be prevention, and the most effective and least costly method of achieving this is reducing the demand for prostitution. Preventing sex trafficking by the sustained efforts of law enforcement towards those who buy humans for sexual use is far less costly and time consuming than the long, expensive and personnel-intensive investigations that typify sex trafficking cases. The savings in lives and resources by preventing trafficking as opposed to rescuing victims once trafficked into prostitution is incalculable.

Both statistical and anecdote evidence suggest that patronizing prostituted persons is a crime of opportunity that can be easily deterred.

The report of the award-winning project of the Buffalo Police Department, “Workable Solutions to the Problem of Street Prostitution Buffalo”, demonstrates this.<sup>1</sup> The Buffalo project adopted the strategy of arresting people buying sexual services rather than the people selling services, because analysis revealed that arrest was a deterrent for buyers but not for sellers.<sup>2</sup> Statistics gathered by the Buffalo Police Department showed that 66% of those arrested for prostitution were repeat offenders but only 8% of the patrons were.<sup>3</sup> As the report concluded:

“For Johns, though, arrest is a more effective deterrent. Over 50 percent of johns interviewed indicated that arrest was their most significant fear.”<sup>4</sup>

The report stated that “once the demand was reduced, prostitution was reduced.”<sup>5</sup>

---

<sup>1</sup> Winner of The 2001 Herman Goldstein Award Winners, Excellence in Problem Orientated Policing, The Prostitution Task Force, Workable Solutions to the Problem of Street Prostitution in Buffalo (1999), available at, NY. [http://www.popcenter.org/problems/street prostitution/PDFs/Workable%20Solutions, pdf](http://www.popcenter.org/problems/street%20prostitution/PDFs/Workable%20Solutions.pdf)

<sup>2</sup> Ibid p. 15

<sup>3</sup> Id at p. 17

<sup>4</sup> Id. at p. 17

<sup>5</sup> Id. at p. 23

Conclusions from the experience in Buffalo are supported by a more recent study in Chicago.<sup>6</sup> In this study, 113 purchasers of sex were asked, “What would deter you from buying sex?”<sup>7</sup> Eighty-three percent responded that jail time would. Forty-six percent said that they would be deterred by jail time of a day or less.<sup>8</sup> The study concluded that, “if potential buyers witness and experience that they are being targeted often, and arrests are increasing, they will be deterred from buying sex.”<sup>9</sup>

The statistical evidence is supported by the numerous and continuous stream of postings on websites where patrons exchange detailed information about individual prostituted women and about prostitution locations.<sup>10</sup> Even casual monitoring of these sites reveals that avoiding arrest is a high priority for prostitution patronizers. Numerous postings warn of law enforcement (“LE”) or suspected law enforcement activity and prostituted persons who arouse the suspicion of patronizers as possible under-cover officers. Newspaper articles that report patronizing prostitution arrests are posted and receive numerous comments, usually expressing relief that the writer wasn’t at the location when the arrests were made and speaking of those arrested in empathetic terms.

One such thread on the website [www.bestgfe.com](http://www.bestgfe.com) titled “Spotting LE” was begun with a post that read:

“I just wanted to make this post in an effort to compile the knowledge of people on this site. When I am cruising any website looking for girls my #1 concern is always le but how do you spot an ad posted by le any knowledge you have on this please share as I have no idea and always feel very p’noid about it...”<sup>11</sup>

---

<sup>6</sup> Chicago Alliance Against Sexual Exploitation, *Effective Demand Deterrence Strategies*, (March 2009).

<sup>7</sup> Id. at p.3

<sup>8</sup> Id. at p. 3

<sup>9</sup> Id at p. 4

<sup>10</sup> For such an example see [www.bestgfe.com](http://www.bestgfe.com)

<sup>11</sup> [www.bestgfe.com](http://www.bestgfe.com), BestGFEForums, >New York>Escorts-NYC “Discussion Spotting LE, Ashman 537, June 2, 2009, 11:28 AM, viewed on June 5, 2010.

This post resulted in 43 responses in an eight-day period. This thread had been viewed almost 3,000 times.

Indeed, the effectiveness of demand side approaches to limit prostitution are increasingly recognized as key to diminishing sex trafficking. This approach has been adopted by such diverse actors as the governments of Sweden, Norway, Finland and South Korea, the City of Atlanta and the United States Department of Defense.<sup>12</sup> Recognizing the importance of attacking demand, The Trafficking Victims Protection Reauthorization Act of 2005 authorized the Attorney General of the United States to make grants to states and local law enforcement agencies to establish programs to investigate and prosecute persons who engage in the purchase of commercial sex acts.<sup>13</sup>

These efforts recognize the efficacy of what has been termed the “Swedish Model”. The Swedish Model proceeds from the premise that the demand for women and children is an important root cause of human trafficking. Swedish law implemented in 1999 recognizes that the purchaser of sex should be criminalized, not the prostituted women or child. The Swedish government reports that since the implementation of its demand side efforts in 1999, “...There has been a dramatic drop in the number of individuals in street prostitution...” and that “there are clear indications that the law that prohibits the purchase of sexual services has had direct and positive effects on the trafficking in human beings for sexual purpose to Sweden and that Sweden no longer is an attractive market for

---

<sup>12</sup> For a more comprehensive list of government action against the demand for prostitution, see *Confronting the Demand for Sex Trafficking, a Handbook for Law Enforcement*, CATW & UNIFEM (July 2007) at 87-92.

<sup>13</sup> Trafficking Victims Protection Reauthorization Act of 2005, Public Law No. 109-164, Sec. 204(a)(1)(B).



traffickers.<sup>14</sup> Equality now believes that passage and enforcement of HB 1066 will have the same result in Hawaii.

Equality Now, therefore strongly urges passage of this bill.

---

<sup>14</sup> Ekberg, Gunilla; statement of the Swedish Government at the Regional Preparatory Meeting on the 10-year review of the Beijing Platform for Action: Theme 3-Trafficking of Women in the Context of Migratory Movements, Geneva, Switzerland, December 15, 2004.



Online: JUDtestimony@Capitol.hawaii.gov  
Hearing on: February 21, 2013 @ 2:00 p.m.  
Conference Room #325

**DATE:** February 19, 2013

**TO:** House Committee On Judiciary  
Rep. Karl Rhoads, Chair  
Rep. Sharon Har, Vice-Chair

**FROM:** Eva Andrade, Executive Director

**RE:** Support for HB 1066 Relating to Prostitution

Honorable Chair and members of the House Committee on Judiciary, I am Eva Andrade, **representing the Hawaii Family Forum**. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii. We represent a network of various Christian Churches and denominations. **We strongly support legislative efforts to better protect Hawaii's youth from sexual exploitation and prostitution. As such, we support HB 1066 which makes solicitation of a minor for prostitution a crime.**

Years ago, Hawaii Family Forum worked to educate the community about the commercial sexual exploitation and abuse of Hawaii's youth. These victims were underage girls (14-15) who were often lured into prostitution first through exploitation in strip bars, phony escort services and nude massage parlors. In 2001, because of our strong commitment to help protect children from sex abuse, we fought very hard to increase the age of consent in Hawaii from 14 to 16 years of age to combat this very problem.

Hawaii must continue to take steps to better protect our minor children. We truly appreciate all efforts to help local law enforcement to do whatever they need to do to stop perpetrators from soliciting our keiki near schools or public parks. Our minors deserve the right to be protected, both by the community and by the law.

Our laws should guarantee victims the treatment they deserve and ensure swift prosecution of the perpetrators who far too often face no consequences. We strongly urge your passage of this measure.

Mahalo nui loa for your kind consideration.



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

---

## TESTIMONY FOR HOUSE BILL 1066, RELATING TO PROSTITUTION

**House Committee on Judiciary**  
**Hon. Karl Rhoads, Chair**  
**Hon. Sharon E Har, Vice Chair**

**Thursday, February 21 2013, 2:00 PM**  
**State Capitol, Conference Room 325**

Honorable Chair Rhoads and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in strong support of, with proposed amendments for HB 1066, relating to prostitution.

In 2011, lawmakers passed HB 141 and HB 240, the former of which outlawed labor trafficking in the islands and the latter of which strengthened existing anti-prostitution laws by expanding witness protection for victims and targeting repeat offenders, particularly pimps and johns. Both bills were important steps in rectifying Hawaii's poor image and record with regard to anti-trafficking statutes. Importantly, these new laws focus on demand for labor and sex trafficking, signaling our state's move toward combating those most responsible for trafficking violations—pimps, johns, owners and managers of prostitution houses, and traffickers themselves—while protecting those who are most vulnerable. In 2012, policymakers passed a “vacating convictions” bill, for the first time allowing persons who have been wrongfully convicted of prostitution-related offenses and can demonstrate that their offenses were coerced to petition to have these convictions vacated from their record, so that they can matriculate into healthy, sustainable, fruitful lifestyles.

The IMUAlliance lauds the State Legislature's efforts, during the last two sessions. At the same time, we call upon lawmakers to continue the fight against human trafficking by hearing and advancing bills that increase services afforded to victims. To that end, the IMUAlliance strongly supports the enactment of “end demand” legislation that targets those persons responsible for financing commercial sexual exploitation, namely pimps and johns. Though it may sound callous to the casual ear, sex-trafficking is a business, albeit an illicit one. As such, it operates on the principles of free enterprise. When profits disappear, problematic establishments follow suit. One of the most efficient means of stifling the commercial sex trade, then, is to target



the “johns” who provide the monetary incentive for criminal activity. Comprehensive “end demand” legislation increases the penalties associated with paying for sex, thereby hiking the opportunity cost of soliciting prostitution. In Hawaii, this should include, at the very least, clarifying the financial penalty range for soliciting prostitution to be no less than \$500 and no more than \$1,000, while subjecting habitual perpetrators and those who solicit prostitution near schools and public parks to asset forfeiture procedures.

Additionally, in nearly every facet of the law, minors are given special status. This is especially clear with regard to high-publicity sex crimes that are predicated upon age of consent, like statutory rape. Despite having criminalized electronic enticement of a child in 2002, however, Hawaii currently lacks enhanced penalties for predators who offer to pay minors for sexual conduct, leading, in part, to Shared Hope International giving our state an 'F' grade regarding protections for victims of commercial sexual exploitation. In theory, electronic enticement regulations could be used to prosecute solicitation of prostitution from a minor, provided that the defendant used an electronic device (typically, a computer or cell phone) to communicate his or her intent. Not all solicitation is transmitted electronically, though, nor are electronic communications easy to track. Thus, the most sensible solution is a broad policy covering, and severely penalizing, any solicitation of minors, no matter what form it takes—exactly as included in this bill, which creates the offense of “soliciting a minor for prostitution,” currently graded as a class C felony in the proposed measure, punishable by five years in prison and a mandatory \$2,500 fine. That said we encourage you to amend the newly crafted “solicitation of prostitution from minors” law to establish strict liability by circumscribing use of the so-called “mistake of age” defense, clarifying the applicable state of mind, upgrading the law's felony classification, and mandating indeterminate sentencing (the same type of flexible sentencing associated with our state's electronic enticement statutes). For the record, the upped grade of offense makes the new law consonant with our state's first degree electronic enticement law (HRS 707-756), which is graded as a class B felony *if it involves the intent to commit a sex crime* (a crime punishable by forced enrollment on the state's sex offender registry): **“§712-Solicitation of a minor for prostitution.** (1) A person commits the offense of solicitation of a minor for prostitution if the person intentionally, knowingly, or recklessly offers or agrees to pay a fee to a minor to engage in sexual conduct.

(2) Solicitation of a minor for prostitution is a class ~~{C}~~ B felony. Notwithstanding any law to the contrary, a person convicted of electronic enticement of a child in the first degree shall be sentenced to an indeterminate term of imprisonment as provided by law.

(3) A person convicted of committing the offense of solicitation of a minor for prostitution shall be imposed a fine of not less than \$2,000; provided that \$2,000 of the imposed fine shall be credited to the general fund.

(4) It shall not be a defense to a prosecution for solicitation of a minor for prostitution that the defendant did not know the victim was under the age of eighteen.

~~[(4)]~~ (5) For purposes of this section:

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

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

"Victim" means the person against whom an offense specified in this section has been committed.

Similarly, the Internet has become the predominant vehicle for commercial sex advertising. Every day, 250-300 (or approximately 100,000 annually) ads publicizing local sexual services are posted on online classified websites, like Backpage and Craigslist, usually under the guise of escort dates or massage appointments. Often, the photos contained in the ads feature scantily clad women, making explicit their ulterior intent (see below). Connecticut passed a cyber-trafficking prevention law, earlier this year, that outlaws commercial sex advertisements that employ depictions of minors. Newly articulated judicial precedent suggests that such a law would not run afoul of the First Amendment, as long as it targets third-party advertisers, rather than the online advertising forums themselves (usually accomplished giving online forums a presumption of compliance). Accordingly, we encourage you to use this bill to amend HRS 453-23 regulating massage therapy advertisements to prohibit such advertisements from being coupled with prostitution services, while expanding the forms of advertising covered by the subsection to include electronic, and namely Internet, advertisements. In our view, the following language would adequately enact this legal change: **§452-23 Advertising.** (a) It is a misdemeanor for any person, including a person who is exempt by section 452-21 from this chapter, to advertise with or without any limiting qualifications as a massage therapist unless the person holds a valid license under this chapter. Further, it shall be a violation of this chapter for any person to advertise:

(1) As a massage therapist or a massage therapy establishment unless the person holds a valid license under this chapter in the classification so advertised;

(2) By combining advertising for a licensed massage therapy service with escort or dating services;

(3) By combining advertising for a licensed massage therapy service with prostitution;

~~[(3)]~~ (4) As performing massage in a form in which the person has not received training, or of a type which is not licensed or otherwise recognized by statute or administrative rule;

~~[(4)]~~ (5) By using in any ~~mass distribution, print advertisements such as newspaper advertisements, or telephone directory listings,~~ print, broadcast, or electronic advertisements, pictures depicting the human form other than hands, wrists, and forearms;



~~[(5)]~~ (6) By using any term other than therapeutic massage or massage therapy to refer to the service; or

~~[(6)]~~ (7) By referring to any personal physical qualities of the practitioner.

"Advertise" as used in this section includes, but is not limited to, the issuance of any card, sign, or device to any person; the causing, permitting, or allowing of any sign or marking on or in any building, vehicle or structure; advertising in any newspaper or magazine; any listing or advertising in any directory under a classification or heading that includes the word "massage therapist" or "massage therapy establishment"; ~~or~~ commercials broadcast by airwave transmission; or commercial communications distributed through any electronic medium, including but not limited to the Internet.

(b) A massage therapist or massage therapy establishment may advertise in print, ~~or~~ broadcast, or electronic medium, as defined in subsection (a) only if the massage therapist or massage therapy establishment includes in the advertisement or listing the massage therapist's or massage therapy establishment's applicable and current license number, and provides written evidence of the number's validity to the publisher or producer of the advertising medium. The publisher or producer of a print, ~~or~~ broadcast, or electronic advertising medium shall refuse to publish or broadcast an advertisement or listing for a massage therapist or massage therapy establishment that does not comply with the provisions of this subsection. A publisher or producer who obtains a signed statement from the massage therapist or massage therapy establishment which states that the massage therapist or massage therapy establishment has read the text of the advertisement or listing, has an applicable and current massage therapist or massage therapy establishment license for the services advertised, has included all applicable and current license numbers in the advertisement or listing, and is aware of civil and criminal penalties for advertising as a massage therapist or massage therapy establishment without a valid license, shall be entitled to a rebuttable presumption of compliance with this subsection.

(c) Upon entry of either a final order of the board of massage therapy pursuant to chapter 91, or a judgment by a court of competent jurisdiction, finding that a massage therapist or massage therapy establishment has advertised in violation of section 452-2 or this section, the public utility furnishing telephone service to the massage therapist or massage therapy establishment shall disconnect the telephone number contained in the advertisement or listing.

(d) A publisher or producer of a print ~~or~~ broadcast, or electronic advertising medium shall not be liable in any suit, action, or claim arising from refusal to list or accept advertisements pursuant to subsection (b). Good faith compliance by a public utility with subsection (c) is a complete defense to any civil or criminal action brought against it arising from the termination of telephone service.

We also respectfully request that the bill be used as a vehicle for making a claim of coerced prostitution an affirmative defense to the crime of prostitution under 712-1200(1)(a), which refers to engaging in, or agreeing or offering to engage in, sexual conduct with another person for a fee, but *excludes* solicitation from johns: Section 712-1200 is amended by adding a new subsection (d) to read as follows: (d) Affirmative defense:

(1) In any prosecution for an offense described in section 712-1200(1)(a), a defendant may assert the affirmative defense that the prostitution activity in question was compelled or induced by force, threat, fraud, or intimidation.

(2) If the defendant asserts the affirmative defense, the defendant shall have the burden of going forward with evidence to prove the facts constituting such defense unless such facts are supplied by the testimony of the prosecuting witness or circumstance in such testimony, and of proving such facts by a preponderance of evidence.

(3) As used in this section:

"Fraud" means making material false statements, misstatements, or omissions.

"Threat" means any of the actions listed in section 707-764(1).

Finally, we urge you to consider using this bill as a vehicle for expanding the available investigative tools for law enforcement and prosecutors by eliminating the adversarial hearing required for employment of wiretapping evidence in the course of a prosecution, which, according to conversations with the Attorney General's Office and Honolulu Prosecutor's Office currently disincentivizes use of wiretapping at the state and county level: 803-46: (i)(1) Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of this State, or a political subdivision thereof, may move to suppress the content of any intercepted wire, oral, or electronic communication, or evidence derived therefrom, on the grounds that:

(A) The communication was unlawfully intercepted;

(B) The order of authorization or approval under which it was intercepted is insufficient on its face; or

(C) The interception was not made in conformity with the order of authorization or approval.

Such motion shall be made before the trial, hearing, or proceedings unless there was no opportunity to make such motion or the person was not aware of the grounds of the motion. If the motion is granted, the contents of the intercepted wire, oral, or electronic communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this part. The court, or other official before whom the motion is made, upon the filing of the motion by the



~~aggrieved person, may make available to the aggrieved person or the aggrieved person's counsel for inspection portions of the recording that contain intercepted communications of the defendant or evidence derived therefrom, the applications, orders, transcript of testimony, and such additional evidence as the court determines to be in the interest of justice.~~

~~[(2)]~~ In addition to any other right to appeal the State shall have the right to appeal:

~~(A) From an order granting a motion to suppress made under paragraph (1) of this subsection if the attorney general or prosecuting attorney of a county, or their designated representatives, shall certify to the designated judge or other official granting the motion that the appeal shall be taken within thirty days after the date the order of suppression was entered and shall be diligently prosecuted as in the case of other interlocutory appeals or under such rules as the supreme court may adopt;~~

~~[(B)] From an order denying an application for an order of authorization or approval, and such an appeal shall be in camera and in preference to all other pending appeals in accordance with rules promulgated by the supreme court.~~

Again, the IMUAlliance thanks you for your hard work to stem human trafficking on our shores. Room for improvement remains, however, and we feel that the measure in question, with proposed amendments, will consecrate last biennium's momentum into a concerted movement. Mahalo for the opportunity to testify in strong support of this bill.

Sincerely,  
Kris Coffield  
*Legislative Director*  
IMUAlliance





Committee on Judiciary

Testimony supporting the intent of HB1066 relating to prostitution

February 21, 2013

Aloha Judiciary Committee:

I am writing in support of HB1066, which will strengthen Hawaii's ability to combat domestic minor sex trafficking. I am currently the volunteer director for the Courage House Hawaii project. Our focus is to provide a residential facility to underage victims of sexual exploitation in our state. Sadly, our state is known as being a "sex tourism" destination and with a large military and business community, Hawaii is a prime location for traffickers to exploit children. These individuals who are exploiting these children are receiving minimal punishment for this horrendous crime. The buyers of these services are essentially engaging in sex acts with minors. It is concerning to me that buying sexual services from a child is not considered absolutely wrong and clearly punishable. I believe that no child should be sold for sex despite any sort of social circumstances.

Share Hope has spent years researching domestic minor sex trafficking in the US, the protected innocence legislative framework was designed to establish a minimum legal fabric for the protection of children from sex trafficking and access to justice for those exploited. November 29, 2012 marked the releases of the 2012 report card for every state. Hawaii received a failing grade. We can change this! These bills address several components of the Protected Innocence Challenge and are critical to closing the gaps in the safety net for past, present, and future young victims of sexual exploitation.

HB1066 Combats the demand of sexual exploitation is several ways:

- Adds the offense of solicitation of a minor under 18 for prostitution, increasing the penalty for buying sex with a minor from a petty misdemeanor under the prostitution laws to a Class C felony. SB 192 subjects defendants convicted under this new law to asset forfeiture, providing an important financial penalty further deter demand.
- to put the community on notice of the potential risk posed by those who buy sex with minors, requires buyers convicted under this new offense to register as a sex offender.

Thank you for taking the time to hear testimony on these extremely important bills

Jessica Munoz, Courage house Hawaii Project Director





February 15<sup>th</sup> 2013

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Sharon E. Har, Vice Chair

Rep. Della Au Belatti

Rep. Chris Lee

Rep. Tom Brower

Rep. Clift Tsuji

Rep. Rida T.R. Cabanilla

Rep. Jessica Wooley

Rep. Mele Carroll

Rep. Bob McDermott

Rep. Ken Ito

Rep. Cynthia Thielen

Rep. Derek S.K. Kawakami

NOTICE OF HEARING

DATE: Thursday, February 21, 2013

TIME: 2:00 p.m.

PLACE: Conference Room 325

State Capitol

415 South Beretania Street

**RE: TESTIMONY IN STRONG SUPPORT OF **HB1066**  
RELATING TO PROSTITUTION**

Makes solicitation of a minor for prostitution a crime. Increases the statute of limitations to bring a cause of action for coercion into prostitution from two to six years. Clarifies the minimum and maximum fine for a person convicted of committing the offense of prostitution. Adds the offenses of solicitation of a minor for prostitution, habitual solicitation of prostitution, and solicitation of prostitution near schools and public parks under the State's forfeiture laws. Amends the definition of "sexual offense" under the sexual offender registry laws to include acts that consist of the solicitation of a minor who is less than eighteen years of age for prostitution.

---

Dear Committee on Judiciary and Labor:

The Pacific Alliance to Stop Slavery (PASS) supports HB1066. We seek to increase penalties for patrons of prostitution, which currently is a petty misdemeanor equal in penalty to remaining over hours at a city park.

Studies from Sweden and Norway, countries that have criminalized the purchasing of persons for sex, have seen significant reductions in violence against prostituted persons since the laws have passed. Conversely, Hawaii has almost no serious penalties nor methods of public accountability for patrons of prostitution and sex trafficking, which allows them to worsen in their deviant paraphilic behavior against women who do not have the ability to speak out due to societal bias and fear of retaliation and are under duress to feign compliance.

Attached to this testimony are real posts from patrons of prostitution to give your committee an idea of how these "johns" treat and view women. Please note that the language is very graphic. These johns, in our society, hide from public view— they are cowards—avoiding the accountability of their wives, daughters, friends, and other family members; calling prostitution "consenting sex" with "legitimate

prostitutes” when we as outreach workers and others that heal prostituted persons know that prostitution is a violent and harmful offense against all women in society. This is clear from the real posts from an arrogant patron attached to this testimony.

PASS and Imua are imploring lawmakers to End the Demand for Prostitution and Sex Trafficking and have amassed nearly 5000 petitioners to support this cause. <http://www.change.org/petitions/pass-safe-harbor-end-demand-for-prostitution-laws-in-hawaii>

PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of over 7000 persons.

PASS is one of Hawaii’s few services that helps heal survivors of human trafficking. We testify that there are no specific services tailored to the survivors of this crime. As a result, survivors fall through the cracks or are often re-victimized and criminalized as either “prostitutes” if they are sex trafficked victims or “illegal immigrants” if they are labor trafficked victims. Hawaii must accurately and effectively address the handling of human trafficking survivors.

Earlier this year, Shared Hope International rated Hawaii second worst in the nation in protecting child victims of sex trafficking by law. Since there is no sex trafficking statute in Hawaii, statistics from law enforcement are unavailable as they are combined with general prostitution statistics but other sources of information are very helpful in assessing the great need for services specific to child victims of sex trafficking. Such information states:

- Hawaii's incarceration rate of juvenile girls exceeds national average<sup>1</sup>.
- Of the girls incarcerated, 35% are runaways, a high-risk criteria for trafficking<sup>2</sup>.
- Hawaii has the third highest attempted teen suicide rate<sup>3</sup>.
- Hawaii has one of the highest rates of intrafamilial sexual abuse (incest)<sup>4</sup>.

All of these statistics significantly contribute to the proliferation of sex trafficking. Since 2009, PASS alone has assisted 96 victims of human trafficking. The need to expand anti trafficking services is very severe.

Thank you for hearing this much needed legislation.

Sincerely,



Kathryn Xian  
Executive Director  
Pacific Alliance to Stop Slavery

---

<sup>1</sup> Hawaii Department of the Attorney General, Research and Statistics Branch Crime Prevention and Justice Assistance Division. (May 2006). *The Female Juvenile Offender in Hawaii: Understanding Gender Differences in Arrests, Adjudications, and Social Characteristics of Juvenile Offenders*

<sup>2</sup> Ibid.

<sup>3</sup> Hawaii State Department of Health (2010)

<sup>4</sup> Dunn, A. Girl Fest Hawaii Conference on Youth. (2012). Deputy Prosecutor, Honolulu City Prosecutor’s Office

POSTS FROM JOHNS "INTERNET CHAT BOARDS"

09-24-12 18:46 #80

**Playboy54** ◦  
Senior Member  
Reports: 197

Playboy54

**CHERIatVIP**

I woke up and said what is worse than shitty service, shitty service from a girl over 26. Went to VIP. Said give me the youngest chick in this brothel. Mama sent in Cheri. Big boobs, hot body and 23. Her service was shitty, so I fucked her hard and talked pretty nasty and demeaning to her. To my surprise. She appeared to like it.

Playboy54.

Don't brag unless it's bareback!

Report Post Reply With Quote

Today 16:15 #4

**Playboy54** ◦  
Senior Member  
Reports: 197

Playboy54

**VIP and Michelle**

Went to VIP. Hoping for a hottie. Mama sends in Michelle about 36 (refused to give her age). Should have walked but was pressed for time. Good table shower and massage. Told me straight up no kissing, DATY, and all condom. I said no problem. Because I am going to fuck real hard then. Banged the shit out of her. Locked my arms around her thighs and lifted her hips up and said. Your going to regret using a condom because I won't cum for awhile. She was was trying to get out of the lock. But I had her good. I said you ain't going anywhere. I my surprise she then locked her thighs on me and starting getting loud. I stopped and said. You not having a good time on my dime. Took off the condom and fucked her tits and blew on her neck. I actually don't like it rough at all. But said might as well let her know how much I hate condoms physically. I have no idea how tight or loose she is. Because I don't feel shit with a condom. Skull fucked her good so she can get the full taste of that condom. Won't repeat. When I left she said I like it rough also.

Playboy54.

I think I was number 4 customer today.

Report Post Reply With Quote





**HAWAII CATHOLIC CONFERENCE**

6301 Pali Highway  
Kaneohe, HI 96744-5224

**LATE**

**Online Submittal:** JUDTestimony@Capitol.hawaii.gov

**Hearing on:** February 21, 2013 @ 2:00 p.m.

Conference Room # 329

**DATE:** February 19, 2013  
**TO:** House Committee on Judiciary  
Rep. Karl Rhoads, Chair  
Rep. Sharon Har, Vice Chair  
**From:** Walter Yoshimitsu, Executive Director  
**Re:** Support for HB 1066 Relating to Prostitution

Mahalo for the opportunity to testify. I am Walter Yoshimitsu, **representing the Hawaii Catholic Conference**. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii under the leadership of Bishop Larry Silva.

The Hawaii Catholic Conference strongly supports efforts to protect minor children from sexual abuse and exploitation. HB 1066 takes the extra step of protecting children from perpetrators near schools and public parks. This added language will allow the police department to expand their ability to ensure that these areas are safe from predators.

The Catholic Church teaches that the human body shares in the dignity of the image of God (Catechism of the Catholic Church 364). That dignity leads us to foster in every person the belief and awareness that as a person of God they are deserving of love and respect. Dignity is a gift given by God at birth. Abuse of all kind is harmful to that dignity. Children being among the most vulnerable require us to protect that dignity.

We appreciate the opportunity to do what we can to support legislation that will further protect children from the heinous crime of sexual exploitation.

DATE: Thursday, February 21, 2013

TIME: 2:00 p.m.

PLACE: Conference Room 325

State Capitol

415 South Beretania Street

**RE: TESTIMONY IN STRONG SUPPORT OF HB1066 RELATING TO PROSTITUTION**

RELATING TO PROSTITUTION.

Makes solicitation of a minor for prostitution a crime. Increases the statute of limitations to bring a cause of action for coercion into prostitution from two to six years. Clarifies the minimum and maximum fine for a person convicted of committing the offense of prostitution. Adds the offenses of solicitation of a minor for prostitution, habitual solicitation of prostitution, and solicitation of prostitution near schools and public parks under the State's forfeiture laws. Amends the definition of "sexual offense" under the sexual offender registry laws to include acts that consist of the solicitation of a minor who is less than eighteen years of age for prostitution.

---

Dear Committees on Consumer Protection and Commerce and Judiciary:

I, Amanda Layne Yesensky Chang, strongly support HB1066. I support The Pacific Alliance to Stop Slavery (PASS) as they seek to increase penalties for patrons of prostitution, which currently is a petty misdemeanor equal in penalty to remaining over hours at a city park.

Hawaii has almost no serious penalties or methods of public accountability for patrons of prostitution and sex trafficking, this enables them to worsen in their deviant behavior against women. These women often do not have the ability to speak out due to fear of retaliation and societal prejudices, and are under duress to show compliance.

PASS is one of Hawaii's few services that helps heal survivors of human trafficking. PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of 7000+ persons. PASS testifies that there are no specific services designed for the survivors of this crime. As a result, survivors fall through the cracks or are often re-victimized and criminalized as either "prostitutes" if they are sex trafficked victims, or "illegal immigrants" if they are labor trafficked victims. Hawaii needs to accurately and effectively address the handling of human trafficking survivors.

Thank you for hearing this important and much needed legislation.

Sincerely,

Amanda Layne Yesensky Chang

**HB1066**

Submitted on: 2/19/2013

Testimony for JUD on Feb 21, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Eva Eli	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

Dear Committee on Judiciary,

I am an active volunteer with Courage House Hawaii as well as Shared Hope International. I strongly support HB1066.

It is time to increase penalties for patrons of prostitution, which currently is a petty misdemeanor equal in penalty to remaining over hours at a city park.

Hawaii has almost no serious penalties nor methods of public accountability for patrons of prostitution and sex trafficking.

Earlier this year, Shared Hope International rated Hawaii second worst in the nation in protecting child victims of sex trafficking by law. Passing HB1066 will be a step in the right direction.

Thank you for hearing this much needed legislation.

Sincerely,

Jan Cook



**HB1066**

Submitted on: 2/19/2013

Testimony for JUD on Feb 21, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kari Benes	Individual	Support	No

Comments: Aloha House Judiciary Committee, Thank you for giving this bill a chance. I ask for your support of HB1066 for the sake of these youth that are in a very vulnerable and horrific situation. Thank you, Kari Benes Kaimuki Resident

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**HB1066**

Submitted on: 2/19/2013

Testimony for JUD on Feb 21, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaulana Eli	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**February 15, 2013**

**COMMITTEE ON JUDICIARY**

Rep. Karl Rhoads, Chair  
Rep. Sharon E. Har, Vice Chair  
Rep. Della Au Belatti Rep. Chris Lee  
Rep. Tom Brower Rep. Clift Tsuji  
Rep. Rida T.R. Cabanilla Rep. Jessica Wooley  
Rep. Mele Carroll Rep. Bob McDermott  
Rep. Ken Ito Rep. Cynthia Thielen  
Rep. Derek S.K. Kawakami

**TESTIMONY IN STRONG SUPPORT OF HB1066 RELATING TO PROSTITUTION**

Dear Committee on Judiciary and Labor:

As an active supporter of PASS, Courage Worldwide, Shared Hope International, and a volunteer for the Courage House Hawaii Project I am in strong support of HB1066, which will strengthen Hawaii's ability to combat domestic minor sex trafficking. Hawaii is recognized worldwide as a place of beauty, a refuge even. Unfortunately for countless children living in this state, Hawaii is not a refuge, but a place where they are sexually exploited repeatedly while their abusers prosper from their abuse. Tourism, conferences, business meetings, and a large military population fuel the demand signal for sex with minors and prostitution in general. It is critical that we address the buyer part of this equation. It is unacceptable that we are allowing the individuals who are buying our girls bodies with the ease that one purchases a pair of shoes to go unpunished. Please help us stop this; far too many of our women and children have been harmed but it's not too late to make a difference. Pass this piece of legislature and strengthen the safety net for past, present, and future victims of sexual exploitation.

Thank you very much for your consideration of this important piece of legislature.

Sincerely,

Kimberly Carson  
Courage House Hawaii Project Volunteer

Date: February 19, 2013

To: Committee on Judiciary

Hearing: February 21, 2013 at 2:00 p.m. Room 325

From: Michelle Larson (University of Hawaii Manoa, Master of Social Work Student)

Re: Support for HB 1066, relating to Prostitution

Children are highly vulnerable and they have little or no power to protect themselves. They are dependent on adults and adults can be very selfish creatures. Too often children are victims and suffer because of selfish adults. They do not always have a voice and they need us to speak for them. There needs to be more done to help protect children and House Bill 1066 is a step in the right direction. I support the bill in extending the statute of limitations from two years to six years. This will allow children to have more time to speak up and hold perpetrators accountable for their actions. We have a duty to care for the defenseless and guard them against things that could destroy them.

Multiple Testifiers:

*Kendra Schneider*

*Jill Cullinan, Courage House Hawaii*

*Mahealani Schneider*

*Tahiti Huetter*

*Barbara Yeackel*

*Whitney Schneider-Furuya*

*Alexandria Crighton*

*Kaleo Schneider*

*Rex Huetter*

Dear Committee on Judiciary and Labor:

The Pacific Alliance to Stop Slavery (PASS) supports HB1066. We seek to increase penalties for patrons of prostitution, which currently is a petty misdemeanor equal in penalty to remaining over hours at a city park. Studies from Sweden and Norway, countries that have criminalized the purchasing of persons for sex, have seen significant reductions in violence against prostituted persons since the laws have passed. Conversely, Hawaii has almost no serious penalties nor methods of public accountability for patrons of prostitution and sex trafficking, which allows them to worsen in their deviant behavior against women who do not have the ability to speak out due to societal bias and fear of retaliation and are under duress to feign compliance.

PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of over 7000 persons. PASS is one of Hawaii's few services that helps heal survivors of human trafficking. We testify that there are no specific services tailored to the survivors of this crime. As a result, survivors fall through the cracks or are often re-victimized and criminalized as either "prostitutes" if they are sex trafficked victims or "illegal immigrants" if they are labor trafficked victims. Hawaii must accurately and effectively address the handling of human trafficking survivors. Earlier this year, Shared Hope International rated Hawaii second worst in the nation in protecting child victims of sex trafficking by law. Since there is no sex trafficking statute in Hawaii, statistics from law enforcement are unavailable as they are combined with general prostitution statistics but other sources of information are very helpful in assessing the great need for services specific to child victims of sex trafficking. Such information states:

- Hawaii's incarceration rate of juvenile girls exceeds national average<sup>1</sup>.
- Of the girls incarcerated, 35% are runaways, a high-risk criteria for trafficking<sup>2</sup>.
- Hawaii has the third highest attempted teen suicide rate<sup>3</sup>.
- Hawaii has one of the highest rates of intrafamilial sexual abuse (incest)<sup>4</sup>.

All of these statistics significantly contribute to the proliferation of sex trafficking. Since 2009, PASS alone has assisted 96 victims of human trafficking. The need to expand anti trafficking services is very severe. Thank you for hearing this much needed legislation.



**HB1066**

Submitted on: 2/19/2013

Testimony for JUD on Feb 21, 2013 14:00PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stacelynn Eli	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

Aloha,

Here is testimony from the Downtown Neighborhood #13 in strong support of HB 1066, Relating to Prostitution, being heard on 2/21/13 at 2 pm in Room 325.

Tom Smyth 371-1637

Tracy Ryan  
1658 Liholiho St #205  
Honolulu, HI 96822

TESTIMONY

RE: HB 1066 Relating to Prostitution  
to be heard by the House Committee on Judiciary on Thursday, February 21, 2013 at 2PM  
in conference room #325

OPPOSE

Dear Chair Rhoads and committee members:

When Bev Harbin represented Downtown Honolulu she initiated a process aimed at addressing the problems of prostitution and other vice in that area that would have included the best professional information from the health and outreach community most familiar with that topic. Since then no one in government seems to have been interested in pursuing these efforts.

I have repeatedly attempted to convince members of the legislature interested in reducing the problems incident to prostitution in Hawaii to sit down and discuss them with people from agencies such as the CHOW Project, The Life Foundation, The YO Project, Kulia Na Mamo, and others with years of experience. Instead what "expertise" has been had has come from a faith based group with little credibility, but lots of time to spend lobbying.

The results are no real progress at addressing the complaints from Chinatown residents, a worsening of the available resources for assisting people working in prostitution, and an even more difficult set of obstacles for Hawaii's put upon transgendered girls. **I hope Mr. Rhoads takes two minutes to read this and "get it".**

Anytime anyone down there wants to pursue a serious effort to create positive change, let me know. Harm Reduction Hawai'i has held three conferences that included concrete discussion of these very issues since 2009. What good intentions people who support HB1066 may have should be reoriented to obtaining a better understanding of the issues involved and how constructive ideas may be used to address them.

Sincerely:



Tracy Ryan

cc: Harm Reduction Hawaii

(808) 534-1846

tracyar@hawaiiantel.net

**LATE**

February 20, 2013

To: House Committee on Judiciary

Hearing: Thursday, February 21, 2013

2:00 p.m., Conference room 325

From: Kate Ulevich, University of Hawaii MSW Student

Re: Support for HB1066, relating to prostitution

Representative Karl Rhoads:

As a mother of two young children, the part of this bill that I take most interest in is the soliciting a minor section. I believe the act of soliciting a minor for prostitution is in the same category as sexual abuse. Adults who solicit a minor for prostitution should be registered as a sex offender so they are unable to later gain employment that involves working with minors. Increasing the fine and sentence length of a person convicted of soliciting minors is needed in order to strengthen the safety of our children in Hawaii.

Sincerely,

Kate Ulevich





**Office of the Public Defender  
State of Hawaii  
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,  
State of Hawaii to the House Committee on Judiciary**

February 21, 2013 2:00 p.m.

**LATE**

H.B. No. 1066: RELATING TO PROSTITUTION

Chair Rhoads and Members of the Committee:

Our office has concerns about four of the proposed changes to the Hawaii Penal Code regarding soliciting a minor for prostitution. Our first concern is the creation of a new offense of the solicitation of a minor for prostitution, a class C felony. Our second concern is regarding the increase of the fines for prostitution from five hundred dollars to a range of five hundred to a thousand dollars for each conviction. Another concern is the inclusion of the offense of soliciting a minor for sex as a covered offense in the criminal forfeiture statute. Finally, we have concerns about the requirement that the person convicted of soliciting a minor for sex register with the sex offender registry.

**The Office of the Public Defender opposes H.B. 1066.**

While at first blush, a separate felony offense of solicitation of a minor for prostitution may seem like a good way to provide additional protection for minors, we believe that singling out customers for harsh treatment is misguided, and should be directed at pimps and sex traffickers. The prosecution of “johns” for solicitation of a minor for prostitution would most likely involve reverse-sting operations, with officers holding themselves out as under-aged prostitutes. Short of demanding to see the identification of the prostitute, there is no way for a customer to determine if the prostitute is a minor. What would happen if a “john”, who did not believe the claims of a prostitute to be under the age of eighteen, continued on with the transaction thinking that he was dealing with an adult? How would the state prove that he knew that the prostitute was a minor? What would happen if the “john” were an eighteen year old man, offering to pay for sex with a seventeen year old prostitute? Should this eighteen year old face a felony charge, and be subject to lifetime reporting as a sex offender? The focus should not be on cutting off the demand for prostitution, but on its supply. Pimps or traffickers who force minors into prostitution should receive harsh punishment. Their actions are heinous, and intentional. Customers who do not have a preference for minors may be entrapped or enticed to commit this offense.

A conviction of the offense of prostitution carries a mandatory five hundred dollar fine. The proposal in this measure to increase the possible fine to a range of five hundred to a thousand dollars makes no sense. The current five hundred dollar fine is the highest mandatory fine for a petty misdemeanor in the district court. The only other offense with

a mandatory five hundred dollar fine is for driving without no-fault insurance. The high fine was imposed to encourage people to pay for motor vehicle insurance. The majority of people convicted of prostitution are prostitutes, not their customers. A high mandatory fine encourages them to get back on the street to earn more money to pay their fines.

The principle behind criminal forfeiture statutes is to seize the property of criminals who use that property to further their criminal enterprise. Property purchased with money earned from a criminal enterprise is also subject forfeiture. For example, a person who sells drugs out of their cars could have it forfeited. A drug dealer's stash of jewelry and other property may also be forfeited. To enable the state to seize the property of a person engaged in prostitution would be similar to allowing the forfeiture of a drug addict. The property seized must have a causal relationship to the criminal enterprise. The prostitution "john" is not the person fostering the criminal enterprise. Promoting prostitution and promoting pornography are crimes that are considered "covered offenses" that are subject to the forfeiture laws. We believe that it is appropriate to forfeit the property of those are the individuals.

Lastly, the requirement of lifetime registry with the sex offender registry is oppressive, and unduly harsh. These individuals may not be sexual predators and child molesters, yet will have no recourse to petition the court for removal from the sex offender registry. People convicted of sexual assault in the third and fourth degree, promoting child abuse in the third degree, violation of privacy in the first degree and promoting prostitution in the first and second degree are allowed to petition the court for removal from the registry after ten years. Even certain individuals convicted of sexual assault in the first and second degree and kidnapping are permitted to petition the court for removal from the registry after twenty-five years. It makes no sense that the "johns" convicted of soliciting a minor for prostitution would be treated more harshly than the people convicted of the more serious crimes listed above.

Thank you for the opportunity to provide input on this measure.