

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

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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**

March 14, 2013

**RE: S.B. 194, S.D. 1; RELATING TO CRIMINAL PROCEDURE.**

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 submits the following comments and suggestions regarding S.B. 194, S.D. 1.

Page 3 of this bill, lines 8 - 12, would create a similar prohibition against deferred acceptance of a guilty plea ("DAG") for petty misdemeanors, as currently exists for full misdemeanors. That is, DAG would not be permitted for a petty misdemeanor offense, **if** the defendant was already on DAG for a prior criminal charge, at the time of committing the current offense. While the Department appreciates the Committee's willingness to consider revisions to Section 853-4, Hawaii Revised Statutes ("HRS"), we strongly believe that allowing anyone to use multiple DAG's—for any level of criminal offense—goes against the purpose of allowing a DAG in the first place.

Already, many people's understanding of a DAG is that it can only be used once (in a lifetime), as the general purpose is to provide a 'second chance,' such that a defendant has the opportunity to show the court that this offense should not become part of their permanent record, because they have learned their lesson and will no longer "engage in a criminal course of conduct." HRS §853-1(a)(1). Thus, if someone was previously granted a DAG, but later commits another crime, then their actions have belied their prior assurances to the court that they will no longer engage in a criminal course of conduct.

Nevertheless, the current language of HRS §853-4(a)(12), and the proposed language of HRS §853-4(a)(13), essentially permit an unlimited number of DAG's for misdemeanor and petty misdemeanor offenses, over the course of one's lifetime. Rather than adding the proposed

subsection (a)(13), the Department suggests the Committee **delete HRS §853-4(a)(12), and amend HRS §853-4(a)(11)**, to state:

(11) The defendant has been charged with a felony, misdemeanor, or petty misdemeanor offense and has been previously granted deferred acceptance of guilty plea status for a prior offense, regardless of whether the period of deferral has already expired;

Not only would this amendment be consistent with the policy interests behind permitting DAG's, but also consistent with many people's current understanding of DAG's. Thank you for the opportunity to provide comments and suggestions on S.B. 194, S.D. 1.

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

**LATE**

**March 14, 2013**

**S.B. NO. 194, S.D. 1: RELATING TO CRIMINAL PROCEDURE.**

Representative Rhoads and Members of the Committee:

S.B. 194, S.D. 1 would expand the list of offenses for which a deferred plea would not be possible. We are concerned with the proposed exclusion of first time offenders who solicit prostitutes, convicted under HRS Sections 712-1200 (1) (b) and 712-1207(1)(b).

It is regrettable that there are still persons who offer sexual relations for a fee and persons who offer to pay a fee for sex. But this does still happen in our society and this activity is even given a veneer of acceptability in modern culture through films such as “Pretty Woman”, for example.

We don’t believe that a first-time offender should be denied the possibility of a deferred plea. Unlike many other states, Hawaii generally does not allow for expungement of a criminal conviction. In light of that, the possibility of a deferral becomes even more significant. We believe that the court should have discretion to decide those cases where a deferral would be appropriate.

We propose amending this bill by adding the words “a second conviction for” to subsections (W) and (X). Without that change, we cannot support this legislation.

Thank you for the opportunity to comment on this bill.



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

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**TESTIMONY FOR SENATE BILL 194, SENATE DRAFT 1, RELATING TO  
CRIMINAL PROCEDURE**

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

**Thursday, March 14, 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 SB 194, relating to criminal procedure.

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 penalties for

victimizers. To that end, the IMUAlliance strongly supports the enactment of criminal procedure reform that adds solicitation of prostitution-related offenses (johns) to the state's list of offenses that are not subject to deferred acceptance of a guilty or no contest plea, including prostitution under 712-1200(b), street solicitation of prostitution under 712-1207(b), solicitation of prostitution near schools or public parks under 712-1209, and habitual solicitation of prostitution under 712-1209.5. We would also support restricting the number of allowable DAG and DANC pleas for any crime, including petty misdemeanor offenses, to one for life, though such a move may be deemed too strict for modern criminal jurisprudence.

We understand that DAG and DANC pleas are useful prosecutorial tools, allowing prosecutors to plead out cases that might otherwise add to an already lengthy judiciary backlog. We do not feel that removing DAG and DANC pleas for prostitution charges will adversely impact conviction and dismissal rates in district courts by increasing the volume of cases handled by deputy prosecutors to an unmanageable level. Similarly, while most defendants facing prostitution charges are first-time offenders eager to plead out to avoid heightened penalties, we are not convinced that the increased caseload will result in prostitution cases being “congested out” to the point that Rule 48—under which cases must go to trial within six months or a year or be dismissed—will become problematic. Despite being graded as petty misdemeanors, cases involving johns should not be looked upon as nonviolent crimes. Studies have shown that 80-90 percent of prostituted persons wish to cease being commercially and sexually exploited. Yet, the majority of these individuals won't do so, at least not with celerity, because of physical coercion from pimps and johns, emotional coercion, blackmail, immigration or financial fraud, debt bondage, or social stigmatization—in other words, force, fraud, threat, or intimidation. And of the two dozen exploited persons to whom IMUAlliance has provided direct outreach, every individual has described being subjected to physical, sexual, and emotional abuse by customers, or “johns,” including being beaten, choked, burned, and raped, sometimes repeatedly. Put simply, solicitation of prostitution is not, or at least should not be assumed to be, a nonviolent crime, but should instead be viewed as a financial imperative in a nefarious cycle of victimization and oppression. (Also, for what it's worth, prosecutors mostly encounter first-time offenders because their arrest model relies upon street stings—only an extremely drunk john would solicit the same cop twice, and we doubt that law enforcement has a large stable of women posing as undercover prostitutes.)

That said, we sympathize with concerns regarding rescinding deferrals for persons charged with petty misdemeanors who are already under a term of deferral. While we note that this would only apply during the time of a person's initial deferral period (once that period expires, they would be allowed to seek DAG and DANC pleas for any future crimes), we understand that this would apply to our victims—currently, prostitution is graded as a petty misdemeanor under HRS 712-1200—as well as certain minor crimes, such as trespass at public parks. Thus, if deemed necessary for passage, we willingly accept deletion of proposed §853-4(a)(13) from the bill.

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 year's momentum into a concerted movement. Mahalo for the opportunity to testify in strong support of this bill.

Sincerely,  
Kris Coffield  
*Legislative Director*  
IMUAlliance

March 12, 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, March 14, 2013

TIME:        2:00 p.m.

PLACE:      Conference Room 325

              State Capitol

              415 South Beretania Street

**RE: TESTIMONY IN STRONG SUPPORT OF SB194  
RELATING TO CRIMINAL PROCEDURE**

Excludes certain offenses from eligibility to be granted a deferred acceptance of guilty plea.

---

Dear Committee on Judiciary and Labor:

The Pacific Alliance to Stop Slavery (PASS) firmly supports SB194. This bill seeks to exclude patrons who buy other persons for sex from the ability to expunge their records after 6 months of good behavior if they plead no contest. According to the Prosecutor's Office, these defendants may also use their DAG/DANC repeatedly. We would also like to apprise you to facts relating to patrons or "johns" expressed in this testimony.

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

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<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](#)

# TAHIRIH ASSOCIATION

322 Aolaa Street, Suite 601  
Kailua, HI 96734  
Phone (808) 262-6533

www.TahirihAssociation.org  
info@TahirihAssociation.org

8306 Wilshire Blvd., Suite 81  
Beverly Hills, CA 90211  
Phone (323) 935-5090



March 13, 2013

## COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Della Au Belatti

Rep. Bob McDermott

Rep. Mele Carroll

Rep. Derek S.K. Kawakami

Rep. Rida T.R. Cabanilla

Rep. Tom Brower

Rep. Sharon E. Har, Vice Chair

Rep. Chris Lee

Rep. Clift Tsuji

Rep. Ken Ito

Rep. Jessica Wooley

Rep. Cynthia Thielen

## NOTICE OF HEARING

DATE: Thursday, March 14, 2013

TIME: 2:00 p.m.

PLACE: Conference Room 325

State Capitol

415 South Beretania Street

### **RE: TESTIMONY IN STRONG SUPPORT OF **SB194** RELATING TO CRIMINAL PROCEDURE**

Excludes certain offenses from eligibility to be granted a deferred acceptance of guilty plea.

---

Dear Committee on Judiciary and Labor:

The Tahirih Association strongly supports SB194. This bill would exclude those who plead no contest from buying others for sex; and that after six months of good behavior their offenses would be expunged.

We believe that penalties for those are patrons of prostitution should be increased, and as such SB194 would assist in this effort. There is no reason that sex patrons "johns" should be able to enjoy a level of undeserved privacy. Sex patrons can often avoid having to account for their exploitive and secretive conduct, and further blame the sexually exploited as prostitutes or hookers, a label that shifts the blame away from the perpetrator. In reality, prostitution is a violent and harmful offense against all genders in our society.

Others nations have criminalized the purchase of persons for sex, and realized reductions in violence against prostituted persons. Hawaii has almost no serious penalties nor methods of public accountability for patrons of prostitution or those who are sex trafficked. This encourages sex patrons while those who are exploited lack the ability to stand up for themselves.

The Tahirih Association educates and empowers girls and women around the world to better their lives. Prostitution and any form of sexual exploitation cannot do this. Therefore, we laud the efforts of other like-minded groups like the Pacific Alliance to Stop Slavery (PASS), and join them in imploring lawmakers to End the Demand for Prostitution and Sex Trafficking. We are pleased to be among the thousands of supporters of PASS as they serve victims of human trafficking for sex or labor in the state of Hawaii. They are one of few servicers that can help survivors of human trafficking in Hawaii so it is important for our State to provide services adapted to the needs of these survivors. We cannot afford, from an economic or social perspective to continue having survivors fall through the cracks, be re-victimized, or worse, criminalized as sex or labor trafficked victims. Sadly, Hawaii has no sex trafficking statute. Consequently, statistics from law enforcement are unavailable because they are combined with general prostitution statistics.

I am sure that the citizens of Hawaii do not want to see a proliferation of sex or labor trafficking. We have much to be proud for, but we need to promote anti trafficking awareness, and also expand needed services that can treat the problem and not the symptom. Thank you for considering this much-needed legislation.

Mahalo nui loa for your attention in this matter,



Tadia Rice  
Executive Director

## NOTICE OF HEARING

Rep. Chris Lee  
Rep. Clift Tsuji  
Rep. Jessica Wooley Rep. Bob McDermott Rep. Cynthia Thielen

---

DATE: Thursday, March 14, 2013 TIME: 2:00 p.m.  
PLACE: Conference Room 325

State Capitol  
415 South Beretania Street

**RE: TESTIMONY IN STRONG SUPPORT OF SB194 RELATING TO CRIMINAL PROCEDURE**

Excludes certain offenses from eligibility to be granted a deferred acceptance of guilty plea.

Dear Committee on Judiciary and Labor:

Courage House Hawaii, Candice Garrison firmly supports SB194. This bill seeks to exclude patrons who buy other persons for sex from the ability to expunge their records after 6 months of good behavior if they plead no contest. According to the Prosecutor's Office, these defendants may also use their DAG/DANC repeatedly. We would also like to apprise you to facts relating to patrons or "johns" expressed in this testimony.

We work with several victims of trafficking and see how much PTSD the girls have. Worse than most veterans of war who have been held captive. The girls are very traumatized and need lot's of help in every area of "normal" life. They need schooling, therapy, physical care, and much more. We at Courage House Hawaii, part of Courage World Wide are working to build an after care home specifically for these girls. [www.courageworldwide.org](http://www.courageworldwide.org).

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.

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.

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,

Candice Garrison



[www.courageworldwide.org/hawaii](http://www.courageworldwide.org/hawaii)

I am writing to urge your support for Senate Bills 192, and 194, which strengthen Hawaii's ability to combat domestic minor sex trafficking.

Based on years of specialized research on domestic minor sex trafficking in the United States, the Protected Innocence Legislative Framework was designed by Shared Hope to establish a minimum legal fabric for the protection of children from sex trafficking and access to justice for those exploited. On November 29, Shared Hope International released the 2012 report card for every state. Hawaii received an F. I would like to see Hawaii raise that grade. 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 potential future young victims of sex trafficking.

Issues addressed in these bills include:

SB 192 combats demand for sex trafficking in 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 to further deter demand;

- To put the community on notice of the potential risk posed by those who buy sex with minors, SB 192 requires buyers convicted under this new offense to register as a sex offender.

SB 194 prevents the court from deferring the prison sentence applicable to buyers convicted under prostitution and solicitation of prostitution laws.

These bills take important steps towards addressing the issue of domestic minor sex trafficking in Hawaii.

IN STRONG SUPPORT OF SB 194

Dear Committee,

I am writing to urge your support for Senate Bill 194, which strengthens Hawaii's ability to combat domestic minor sex trafficking.

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SB 194 prevents the court from deferring the prison sentence applicable to buyers convicted under prostitution and solicitation of prostitution laws.

This bill takes important steps towards addressing the issue of domestic minor sex trafficking in Hawaii.

32 Years ago I was a victim of sex trafficking, my life would have been different if the laws protected me when I was 15 years old. Please change the laws to protect our children.

Sincerely,

*Tamara West*

### Multiple Testifiers

Stanley Yeackel  
Tahiti Huetter  
Rex Huetter  
Mahealani Schneider  
Mary Witthans  
Whitney Schneider-Furuya  
Linda Weiland  
Kendra Schneider  
Kirstin Kerbox  
Barbara Yeackel  
Alexandria Crighton  
Jill Cullinan  
Jenifer Schneider  
Alison Freitas  
Kanani Guerland  
Kaleo Schneider  
Blossom Aweau  
Brittany Akiu  
Marisa Nguyen  
Kimberly Carson  
Angel Cakes  
Kirsten Baumgart Turner  
Ellyn Sollars

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These bills take important steps towards addressing the issue of domestic minor sex trafficking in Hawaii.

**LATE**

**SB194**

Submitted on: 3/13/2013

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teri Heede	Individual	Support	No

Comments: Aloha, Chair, Vice Chair and Committee Members! I strongly support SB 194 Relating to Criminal Procedure. This bill excludes certain offenses from eligibility to be granted a deferred acceptance of guilty plea. "Certain offenses" includes soliciting a prostituted person for sex. This means that "johns" will no longer be able to plead "no contest" then have their records expunged after 6 months good behavior. This plea may also be reused in future offenses. Mahalo ahead of time for your help is supporting this legislation!

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)

**SB194**

Submitted on: 3/13/2013

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



Submitted By	Organization	Testifier Position	Present at Hearing
Amanda Chang	Individual	Support	No

Comments: TESTIMONY IN STRONG SUPPORT OF SB194 RELATING TO CRIMINAL PROCEDURE Excludes certain offenses from eligibility to be granted a deferred acceptance of guilty plea. Dear Committee on Judiciary and Labor: I, Amanda Layne Yesensky Chang, strongly support SB194. I stand with The Pacific Alliance to Stop Slavery (PASS), as they whole-heartedly support SB194 in seeking to exclude patrons who buy other persons for sex from the ability to expunge their records after six months of good behavior if they plead no contest. According to the Prosecutor's Office, these defendants may also use their DAG/DANC repeatedly. Studies from Norway and Sweden, countries that have criminalized the purchasing of persons for sex; have seen significant reductions in violence against prostituted individuals since the laws were passed. Sadly, Hawaii has almost no serious penalties or methods of public accountability for patrons of prostitution and sex trafficking. This lack of penalty allows patrons 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. Prostitution is a violent and harmful offense against all women in society. 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

DATE: Thursday,  
March 14, 2013

TIME: 2:00 p.m.

PLACE: Conference  
Room 325  
State Capitol  
415 South  
Beretania Street

---

**RE: TESTIMONY IN STRONG SUPPORT OF SB194 RELATING TO CRIMINAL PROCEDURE**

Excludes certain offenses from eligibility to be granted a deferred acceptance of guilty plea.

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Dear Committee on Judiciary and Labor:

I, Amanda Layne Yesensky Chang, strongly support SB194. I stand with The Pacific Alliance to Stop Slavery (PASS), as they whole-heartedly support SB194 in seeking to exclude patrons who buy other persons for sex from the ability to expunge their records after six months of good behavior if they plead no contest. According to the Prosecutor's Office, these defendants may also use their DAG/DANC repeatedly.

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Thank you for hearing this important and much needed legislation.

Sincerely,

Amanda Layne Yesensky Chang

**LATE**

**SB194**

Submitted on: 3/13/2013

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

Submitted By	Organization	Testifier Position	Present at Hearing
suzanne sullivan	Individual	Support	Yes

Comments: I am in support of this bill. I do not want to see the punishment lessened, but it should in fact be strengthened on many accounts beside what is contained in SB194. Hawaii should be a leader in compassion towards 'man/women', since it promotes warm Aloha, therefore it should show compassion to women and especially young trafficked girls. Instead they do not have laws to protect young girls. Protect them; punish the Johns and increase the penalties to deter this horrific crime! Don't reduce the penalties or remove from records unless they attend a John School. Once a man has an insatiable desire for young girls, it will not go away unless they are treated. Penalties will deter some but our interment society feeds the garbage porn on demand that makes the guys want to act out the scenarios. Also the tourists talk about the young girls walking the streets. This is not good for your tourist business either. Some say they will not come back!

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.

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