

Honolulu, Hawaii

April 29, 2016

RE: H.B. No. 1902
H.D. 2
S.D. 1
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1902, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SEX TRAFFICKING,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to establish a victim and survivor-centered approach to comprehensive anti-sex trafficking laws by:

- (1) Replacing the offense of Promoting Prostitution in the First Degree with Sex Trafficking, a class A felony and violent crime;
- (2) Establishing a class C felony for the act of paying for sex in reckless disregard of the fact that the other person is a victim of sex trafficking;



- (3) Specifying that the offense of Sex Trafficking requires proof of negligence with respect to the victim's age when the victim of sex trafficking is under 18 years of age;
- (4) Specifying that when a minor under the age of 18 commits the act of engaging in or offering to engage in sexual conduct with another person for a fee, it is not a criminal offense, but rather a violation that subjects the minor to the jurisdiction of the family court;
- (5) Making amendments to strengthen the enforcement of laws and increase penalties against the sex trafficker;
- (6) Expanding the Department of the Attorney General's Statewide Witness Program to include sex trafficking;
- (7) Providing victims with access to criminal injury compensation; and
- (8) Amending laws relating to civil liability for cases of coercion into prostitution.

Your Committee on Conference has amended this measure by specifying that a minor may be taken into custody by a police officer without an order of a judge when there is reasonable grounds to believe that the minor received a fee to engage in prostitution.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1902, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1902, H.D. 2, S.D. 1, C.D. 1.




Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE


GILBERT S.C. KEITH-AGARAN,
Chair


KARL RHOADS, Co-Chair




SCOTT Y. NISHIMOTO, Co-Chair



Hawaii State Legislature

Record of Votes of a
Conference Committee

CCR 147-16

Bill / Concurrent Resolution No.: HB 1902, HD 2, SD 1					Date/Time: 4/29/16 5:40 PM				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
KEITH-AGARAN, Gilbert S.C., Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
GABBARD, Mike	✓				NISHIMOTO, Scott Y., Co-Chr.	✓			
SHIMABUKURO, Maile S.L.	✓				BELATTI, Della Au				✓
					SAN BUENAVENTURA, Joy A.	✓			
					MATSUMOTO, Lauren Kealohilani	✓			
TOTAL	3	0	0	0	TOTAL	4	0	0	1
A = Aye		WR = Aye with Reservations			N = Nay			E = Excused	
Senate Recommendation is:					House Recommendation is:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
									
Distribution:									
Original <i>File with Conference Committee Report</i>		Yellow <i>House Clerk's Office</i>			Pink <i>Senate Clerk's Office</i>			Goldenrod <i>Drafting Agency</i>	