
A BILL FOR AN ACT

RELATING TO PROSTITUTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. Section 701-108, Hawaii Revised Statutes, is
3 amended by amending subsection (1) to read as follows:

4 "(1) A prosecution for murder, murder in the first and
5 second degrees, attempted murder, and attempted murder in the
6 first and second degrees, criminal conspiracy to commit murder
7 in any degree, criminal solicitation to commit murder in any
8 degree, sexual assault in the first and second degrees, [and]
9 continuous sexual assault of a minor under the age of fourteen
10 years, sex trafficking, and promoting prostitution may be
11 commenced at any time."

12 SECTION 2. Section 712-1200, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§712-1200 Prostitution. (1) A person commits the
15 offense of prostitution if the person:

16 (a) Engages in, or agrees or offers to engage in, sexual
17 conduct with another person in return for a fee;



H.B. NO. 233

1 provided that this paragraph shall not apply if the
2 person committing the offense is a minor; or

3 (b) Pays, agrees to pay, or offers to pay a fee to another
4 to engage in sexual conduct.

5 (2) As used in this section:

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

8 "Sexual conduct" means "sexual penetration", "deviate
9 sexual intercourse", or "sexual contact", as those terms are
10 defined in section 707-700, or "sodomasochistic abuse" as
11 defined in section 707-752.

12 (3) ~~[Prostitution]~~ The offense of prostitution under
13 subsection 1(a) is a petty misdemeanor ~~[, provided that:~~

14 ~~(a) If the person who commits the offense under subsection~~

15 ~~(1)(a) is a minor, prostitution is a violation; and~~

16 ~~(b) If the person who commits the offense under subsection~~

17 ~~(1)(b) does so in reckless disregard of the fact that~~

18 ~~the other person is a victim of sex trafficking,~~

19 ~~prostitution is a class C felony].~~

20 (4) ~~[A person convicted of committing the offense of~~

21 ~~prostitution as a petty misdemeanor shall be sentenced as~~



1 ~~follows]~~ The offense of prostitution under subsection 1(b) is a
2 misdemeanor; provided that:

3 (a) For the first ~~[offense]~~ violation of subsection 1(b),
4 when the court has not deferred further proceedings
5 pursuant to chapter 853, ~~[a fine of not less than \$500~~
6 ~~but not more than \$1,000 and the person may be~~
7 ~~sentenced to a term of imprisonment of not more than~~
8 ~~thirty days or probation,]~~ the person convicted of the
9 offense shall be sentenced to pay a fine, pursuant to
10 section 706-640, of not less than \$1,000, and to
11 imprisonment for a definite term, pursuant to section
12 706-663, of not less than thirty days; provided that
13 the court may order a sentence of probation in
14 addition to the term of imprisonment; provided further
15 that in the event the convicted person defaults in
16 payment of the fine, and the default was not
17 contumacious, the court may sentence the person to
18 perform services for the community as authorized by
19 section 706-605(1);

20 (b) For any subsequent ~~[offense,]~~ violation of subsection
21 1(b), [a fine of not less than \$500 but not more than



1 ~~\$1,000 and a term of imprisonment of thirty days or~~
2 ~~probation,]~~ the person convicted of the offense shall
3 be sentenced to pay a fine, pursuant to section 706-
4 640, of not less than \$1,000, and to imprisonment for
5 a definite term, pursuant to section 706-663, of not
6 less than ninety days without possibility of deferral
7 of further proceedings pursuant to chapter 853 and
8 without possibility of suspension of sentence[-];
9 provided that the court may order a sentence of
10 probation in addition to the term of imprisonment; and

11 (c) For a person convicted under subsection (1) (b) and who
12 committed the offense in reckless disregard of the
13 fact that the other person is a victim of sex
14 trafficking, the offense shall be a class C felony.

15 (d) For the purposes of this subsection, if the court has
16 deferred further proceedings pursuant to chapter 853,
17 and notwithstanding any provision of chapter 853 to
18 the contrary, the defendant shall not be eligible to
19 apply for expungement pursuant to section 831-3.2
20 until four years following discharge. A plea
21 previously entered by a defendant under section 853-1



1 for a violation of this section shall be considered a
2 prior offense. When the court has ordered a sentence
3 of probation, the court may impose as a condition of
4 probation that the defendant complete a course of
5 prostitution intervention classes; provided that the
6 court may only impose the condition for one term of
7 probation.

8 (5) This section shall not apply to any member of a police
9 department, a sheriff, or a law enforcement officer acting in
10 the course and scope of duties, unless engaged in sexual
11 penetration or sadomasochistic abuse.

12 (6) A minor may be taken into custody by any police
13 officer without order of the judge when there are reasonable
14 grounds to believe that the minor has violated ~~{subsection}~~
15 (1)(a). The minor shall be released, referred, or transported
16 pursuant to section 571-31(b). The minor shall be subject to
17 the jurisdiction of the family court pursuant to section 571-
18 11(1), including for the purposes of custody, detention,
19 diversion, and access to services and resources."

20 SECTION 3. Section 712-1201, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§712-1201 Advancing prostitution; profiting from
2 prostitution; definition of terms. In sections 712-1202 and
3 712-1203:

4 (1) A person "advances prostitution" if, acting other than
5 as a prostitute or a patron of a prostitute, the
6 person knowingly causes or aids a person to commit or
7 engage in prostitution, procures or solicits patrons
8 for prostitution, provides persons for prostitution
9 purposes, permits premises to be [~~regularly~~] used for
10 prostitution purposes, operates or assists in the
11 operation of a house of prostitution or a prostitution
12 enterprise, or engages in any other conduct designed
13 to institute, aid, or facilitate an act or enterprise
14 of prostitution.

15 (2) A person "profits from prostitution" if, acting other
16 than as a prostitute receiving compensation for
17 personally-rendered prostitution services, the person
18 accepts or receives money or other property pursuant
19 to an agreement or understanding with any person
20 whereby the person participates or is to participate
21 in the proceeds of prostitution activity."



1 SECTION 4. Section 712-1202, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§712-1202 Sex trafficking. (1) A person commits the
4 offense of sex trafficking if the person knowingly:

5 (a) Advances prostitution by compelling or inducing a
6 person by force, threat, fraud, or intimidation to
7 engage in prostitution, or profits from such conduct
8 by another; [~~or~~]

9 (b) Advances or profits from prostitution of a minor;
10 [~~provided that with respect to the victim's age, the~~
11 ~~prosecution shall be required to prove only that the~~
12 ~~person committing the offense acted negligently.] or~~

13 (c) Offers or agrees to pay a fee to a minor or to a
14 member of a police department, a sheriff, or a law
15 enforcement officer who represents that person's self
16 as a minor to engage in sexual conduct.

17 (2) Sex trafficking is a class A felony[~~-~~]; provided that
18 a person convicted under this section shall be sentenced to a
19 definite term of imprisonment pursuant to section 706-663, and
20 sentenced to pay a fine pursuant to section 706-640, of not less



1 than \$50,000; provided further that the fine shall be credited
2 to the general fund.

3 (3) The state of mind requirement for the offenses under
4 subsections (1)(b) and (1)(c) is not applicable to the fact that
5 the person solicited was a minor. A person is strictly liable
6 with respect to the attendant circumstance that the person
7 solicited was a minor.

8 (4) Consent to sexual conduct shall not constitute a
9 defense to a violation of this section.

10 (5) Subsection (1)(c) shall not apply to any member of a
11 police department, a sheriff, or a law enforcement officer who
12 offers or agrees to pay a fee to a minor while acting in the
13 course and scope of duties.

14 [~~3~~](6) As used in this section:

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

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

19 "Sexual conduct" has the same meaning as in section 712-
20 1200(2).



1 "Threat" means any of the actions listed in section 707-
2 764(1)."

3 SECTION 5. Section 712-1203, Hawaii Revised Statutes, is
4 amended by amending subsection (1) to read as follows:

5 "(1) A person commits the offense of promoting
6 prostitution if the person [~~knowingly~~] recklessly advances or
7 profits from prostitution."

8 SECTION 6. Section 712-1206, Hawaii Revised Statutes, is
9 amended by amending subsection (3) to read as follows:

10 "(3) Any person who remains or wanders about in a public
11 place and repeatedly beckons to, or repeatedly stops, or
12 repeatedly attempts to engage passers-by in conversation, or
13 repeatedly stops or attempts to stop motor vehicles, or
14 repeatedly interferes with the free passage of other persons for
15 the purpose of committing the crime of advancing prostitution as
16 that term is defined in section 712-1201(1) is guilty of a
17 [~~petty~~] misdemeanor."

18 SECTION 7. Section 712-1207, Hawaii Revised Statutes, is
19 amended as follows:

20 1. By amending subsections (1) and (2) to read:



1 "(1) It shall be unlawful for any person within the
2 boundaries of Waikiki and while on any public property to:

3 (a) Offer or agree to engage in sexual conduct with
4 another person in return for a fee; provided that this
5 paragraph shall not apply if the person committing the
6 offense is a minor; or

7 (b) Pay, agree to pay, or offer to pay a fee to another
8 person to engage in sexual conduct.

9 (2) It shall be unlawful for any person within the
10 boundaries of other areas in this State designated by county
11 ordinance pursuant to subsection (3), and while on any public
12 property to:

13 (a) Offer or agree to engage in sexual conduct with
14 another person in return for a fee; provided that this
15 paragraph shall not apply if the person committing the
16 offense is a minor; or

17 (b) Pay, agree to pay, or offer to pay a fee to another
18 person to engage in sexual conduct."

19 2. By amending subsection (8) to read:

20 "(8) For purposes of this section:



1 "Area" means any zone within a county that is defined with
2 specific boundaries and designated as a zone of significant
3 prostitution by this section or a county ordinance.

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

6 "Public property" includes any street, highway, road,
7 sidewalk, alley, lane, bridge, parking lot, park, or other
8 property owned or under the jurisdiction of any governmental
9 entity or otherwise open to the public.

10 "Sexual conduct" has the same meaning as in section 712-
11 1200(2).

12 "Waikiki" means that area of Oahu bounded by the Ala Wai
13 canal, the ocean, and Kapahulu avenue."

14 SECTION 8. Section 712-1208, Hawaii Revised Statutes, is
15 amended by amending subsection (3) to read as follows:

16 "(3) Promoting travel for prostitution is a class C
17 felony[-]; provided that if the travel services in subsection
18 (1) are for the purpose of engaging in prostitution with a
19 person who is under the age of eighteen, promoting travel for
20 prostitution is a class B felony."



1 SECTION 9. Section 712-1209.5, Hawaii Revised Statutes, is
2 amended by amending subsections (2) and (3) to read as follows:

3 "(2) For the purposes of this section, a person has the
4 status of a "habitual prostitution offender" if the person, at
5 the time of the conduct for which the person is charged, had two
6 or more convictions within ten years of the instant offense for:

7 (a) Prostitution, in violation of section 712-1200(1)(b);

8 (b) Sex trafficking, in violation of section 712-
9 1202(1)(c);

10 (c) Street solicitation of prostitution, in violation of
11 section 712-1207(1)(b);

12 [~~e~~] (d) Habitual solicitation of prostitution, in
13 violation of this section;

14 [~~d~~] (e) An offense of any other jurisdiction that is
15 comparable to one of the offenses in paragraph (a),
16 (b), [~~e~~] (c), or (d); or

17 [~~e~~] (f) Any combination of the offenses in paragraph (a),
18 (b), (c), [~~e~~] (d) [~~-~~], or (e).

19 A conviction for purposes of this section is a judgment on the
20 verdict or a finding of guilt, or a plea of guilty or nolo
21 contendere. The convictions must have occurred on separate



1 dates and be for separate incidents on separate dates. At the
2 time of the instant offense, the conviction must not have been
3 expunged by pardon, reversed, or set aside.

4 (3) Habitual solicitation of prostitution is a class C
5 felony[-]; provided that habitual solicitation of prostitution
6 is a class A felony when the instant offense is sex trafficking
7 under section 712-1202(1)(c)."

8 PART II

9 SECTION 10. Section 351-31, Hawaii Revised Statutes, is
10 amended by amending subsection (c) to read as follows:

11 "(c) In determining whether to make an order under this
12 section, the commission may consider any circumstances it
13 determines to be relevant, and the commission shall consider the
14 behavior of the victim, and whether, because of provocation or
15 otherwise, the victim bears any share of responsibility for the
16 crime that caused the victim's injury or death and the
17 commission shall reduce the amount of compensation in proportion
18 to the amount of responsibility for the crime which caused the
19 victim's injury or death; provided that if the proportion is
20 greater than the responsibility of the person who committed the
21 act or omission or, in the case of more than one person, the



1 aggregate responsibility of such persons because of whom
2 compensation is sought, the commission shall not award any
3 compensation to the victim[-]; provided further that this
4 subsection shall not apply to a victim of labor trafficking
5 pursuant to sections 707-781 and 707-782, a victim of sex
6 trafficking pursuant to section 712-1202, or a victim of
7 promoting prostitution pursuant to section 712-1203."

8 PART III

9 SECTION 11. Section 468L-5.6, Hawaii Revised Statutes, is
10 amended by amending subsection (c) to read as follows:

11 "(c) A travel agency or charter tour operator that
12 violates any provision of this chapter may be fined not more
13 than \$1,000 for each violation; provided that:

14 (1) A travel agency or charter tour operator shall be
15 fined no less than \$5,000 for each violation of
16 subsections 468L-7.5(9) and 468L-7.5(10) that involves
17 a minor under the age of eighteen years;

18 (2) A travel agency or charter tour operator shall be
19 subject to separate criminal penalties under section
20 712-1208; and



1 (3) [a] A charter tour operator also shall be assessed an
2 administrative fine pursuant to section 468L-27 for
3 any violation of that section."

4 PART IV

5 SECTION 12. Section 706-606.6, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§706-606.6 Repeat violent and sexual offender; enhanced**
8 **sentence.** (1) Notwithstanding any other provision of law to
9 the contrary, any person who is convicted of an offense under
10 section 707-701.5, 707-702, 707-730, 707-731, 707-732, 707-
11 733.6, 707-750, 708-840, 712-1202, or 712-1203, [~~er 712-1209.1,~~]
12 after having been convicted on at least three prior and separate
13 occasions of an offense under section 707-701.5, 707-702, 707-
14 710, 707-711, 707-730, 707-731, 707-732, 707-733.6, 707-750,
15 708-840, 712-1202, or 712-1203, [~~er 712-1209.1,~~] or of an
16 offense under federal law or the laws of another state that is
17 comparable to an offense under section 707-701.5, 707-702, 707-
18 710, 707-711, 707-730, 707-731, 707-732, 707-733.6, 707-750,
19 708-840, 712-1202, or 712-1203, [~~er 712-1209.1,~~] shall be
20 sentenced to an extended term of imprisonment as provided in
21 section 706-661.



1 (2) A conviction shall not be considered a prior offense
2 unless the conviction occurred within the following time
3 periods:

4 (a) For an offense under section 707-701.5, 707-702,
5 707-730, 707-733.6, 707-750, 708-840, 712-1202, or
6 712-1203, [~~or 712-1209.1,~~] within the past twenty
7 years from the date of the instant offense;

8 (b) For an offense under section 707-710 or 707-731,
9 within the past ten years from the date of the instant
10 offense;

11 (c) For an offense under section 707-711 or 707-732,
12 within the past five years from the date of the
13 instant offense; or

14 (d) For an offense under federal law or the laws of
15 another state that is comparable to an offense under
16 section 707-701.5, 707-702, 707-710, 707-711, 707-730,
17 707-731, 707-732, 707-733.6, 707-750, 708-840, 712-
18 1202, or 712-1203, [~~or 712-1209.1,~~] within the maximum
19 term of imprisonment possible under the appropriate
20 jurisdiction."



1 SECTION 13. Section 806-83, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Criminal charges may be instituted by written
4 information for a felony when the charge is a class C felony,
5 except under:

6 (1) Section 159-28 (bribery related to the Hawaii Meat
7 Inspection Act);

8 (2) Section 161-28 (bribery related to the Hawaii Poultry
9 Inspection Act);

10 (3) Section 707-712.5 (assault against a law enforcement
11 officer in the first degree);

12 (4) Section 707-716 (terroristic threatening in the first
13 degree);

14 (5) Section 707-732 (sexual assault in the third degree);

15 (6) Section 707-741 (incest);

16 (7) Section 707-752 (promoting child abuse in the third
17 degree);

18 (8) Section 708-880 (commercial bribery);

19 (9) Section 709-904.5 (compensation by an adult of
20 juveniles for crimes);



- 1 (10) Section 710-1026.9 (resisting an order to stop a motor
2 vehicle in the first degree);
- 3 (11) Section 710-1070 (bribery of or by a witness);
- 4 (12) Section 710-1071 (intimidating a witness);
- 5 (13) Section 710-1072.2 (retaliating against a witness);
- 6 (14) Section 710-1073 (bribery of or by a juror);
- 7 (15) Section 710-1075 (jury tampering);
- 8 (16) Section 710-1075.5 (retaliating against a juror);
- 9 (17) Section 711-1106.4 (aggravated harassment by
10 stalking);
- 11 (18) Section 711-1110.9 (violation of privacy in the first
12 degree);
- 13 (19) Section 712-1208 (promoting travel for prostitution);
- 14 [~~20~~] ~~Section 712-1209.1 (solicitation of a minor for~~
15 ~~prostitution)~~;
- 16 ~~21~~] (20) Section 712-1209.5 (habitual solicitation of
17 prostitution);
- 18 [~~22~~] (21) Section 712-1215 (promoting pornography for
19 minors);
- 20 [~~23~~] (22) Section 712-1218 (failure to maintain age
21 verification records of sexual performers);



1 [~~24~~] (23) Section 712-1218.5 (failure to maintain age
2 verification records of sexually exploited
3 individuals); and

4 [~~25~~] (24) Section 712-1219 (failure to affix information
5 disclosing location of age verification records of
6 sexual performers)."

7 SECTION 14. Section 846E-1, Hawaii Revised Statutes, is
8 amended by amending the definition of "sexual offense" to read
9 as follows:

10 "'Sexual offense" means an offense that is:

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

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

21 (3) An act that consists of:



- 1 (A) Criminal sexual conduct toward a minor, including
- 2 but not limited to an offense set forth in
- 3 section 707-759;
- 4 (B) Solicitation of a minor who is less than fourteen
- 5 years old to engage in sexual conduct;
- 6 (C) Use of a minor in a sexual performance;
- 7 (D) Production, distribution, or possession of child
- 8 pornography chargeable as a felony under section
- 9 707-750, 707-751, or 707-752; or
- 10 (E) Electronic enticement of a child chargeable under
- 11 section 707-756 or 707-757 if the offense was
- 12 committed with the intent to promote or
- 13 facilitate the commission of another covered
- 14 offense as defined in this section; [~~or~~
- 15 ~~(F) Solicitation of a minor for prostitution in~~
- 16 ~~violation of section 712-1209.1,]~~
- 17 (4) A violation of privacy under section 711-1110.9;
- 18 (5) An act, as described in chapter 705, that is an
- 19 attempt, criminal solicitation, or criminal conspiracy
- 20 to commit one of the offenses designated in paragraphs
- 21 (1) through (4);



- 1 (6) A criminal offense that is comparable to or that
- 2 exceeds a sexual offense as defined in paragraphs (1)
- 3 through (5); or
- 4 (7) Any federal, military, out-of-state, tribal, or
- 5 foreign conviction for any offense that under the laws
- 6 of this State would be a sexual offense as defined in
- 7 paragraphs (1) through (6)."

8 SECTION 15. Section 846E-10, Hawaii Revised Statutes, is

9 amended by amending subsection (d) to read as follows:

10 "(d) Tier 1 offenses. A covered offender who has

11 maintained a clean record for the previous ten years, excluding

12 any time the offender was in custody or civilly committed, and

13 who has substantially complied with the registration

14 requirements of this chapter for the previous ten years, or for

15 the portion of that ten years that this chapter has been

16 applicable, and who is not a repeat covered offender may

17 petition the court, in a civil proceeding, for termination of

18 registration requirements; provided that the covered offender's

19 most serious covered offense is one of the following:



H.B. NO. 233

- 1 (1) Any offense set forth in section 707-732(1)(d) or (e),
2 707-733(1)(a), 707-752, 707-759, 711-1110.9, or 712-
3 1203(1) [~~, or 712-1209.1~~];
- 4 (2) An offense set forth in section 707-721 or 707-722;
5 provided that the offense involves unlawful
6 imprisonment of a minor by someone other than a
7 parent;
- 8 (3) An offense set forth in section 707-757 that includes
9 an intent to promote or facilitate the commission of
10 another covered offense as defined in section 846E-1;
- 11 (4) An offense that is an attempt, criminal solicitation,
12 or criminal conspiracy to commit any of the offenses
13 in paragraph (1), (2), or (3);
- 14 (5) Any criminal offense that is comparable to one of the
15 offenses in paragraph (1), (2), (3), or (4);
- 16 (6) Any federal, military, out-of-state, tribal, or
17 foreign offense that is comparable to one of the
18 offenses in paragraph (1), (2), (3), or (4); or
- 19 (7) Any other covered offense that is not specified in
20 subsection (a) or (c) or paragraph (1), (2), (3), (4),
21 (5), or (6)."



1 SECTION 16. Section 853-4, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) This chapter shall not apply when:

4 (1) The offense charged involves the intentional, knowing,
5 reckless, or negligent killing of another person;

6 (2) The offense charged is:

7 (A) A felony that involves the intentional, knowing,
8 or reckless bodily injury, substantial bodily
9 injury, or serious bodily injury of another
10 person; or

11 (B) A misdemeanor or petty misdemeanor that carries a
12 mandatory minimum sentence and that involves the
13 intentional, knowing, or reckless bodily injury,
14 substantial bodily injury, or serious bodily
15 injury of another person;

16 (3) The offense charged involves a conspiracy or
17 solicitation to intentionally, knowingly, or
18 recklessly kill another person or to cause serious
19 bodily injury to another person;

20 (4) The offense charged is a class A felony;

21 (5) The offense charged is nonprobationable;



- 1 (6) The defendant has been convicted of any offense
2 defined as a felony by the Hawaii Penal Code or has
3 been convicted for any conduct that if perpetrated in
4 this State would be punishable as a felony;
- 5 (7) The defendant is found to be a law violator or
6 delinquent child for the commission of any offense
7 defined as a felony by the Hawaii Penal Code or for
8 any conduct that if perpetrated in this State would
9 constitute a felony;
- 10 (8) The defendant has a prior conviction for a felony
11 committed in any state, federal, or foreign
12 jurisdiction;
- 13 (9) A firearm was used in the commission of the offense
14 charged;
- 15 (10) The defendant is charged with the distribution of a
16 dangerous, harmful, or detrimental drug to a minor;
- 17 (11) The defendant has been charged with a felony offense
18 and has been previously granted deferred acceptance of
19 guilty plea or no contest plea for a prior offense,
20 regardless of whether the period of deferral has
21 already expired;



1 (12) The defendant has been charged with a misdemeanor
2 offense and has been previously granted deferred
3 acceptance of guilty plea or no contest plea for a
4 prior felony, misdemeanor, or petty misdemeanor for
5 which the period of deferral has not yet expired;

6 (13) The offense charged is:

- 7 (A) Escape in the first degree;
- 8 (B) Escape in the second degree;
- 9 (C) Promoting prison contraband in the first degree;
- 10 (D) Promoting prison contraband in the second degree;
- 11 (E) Bail jumping in the first degree;
- 12 (F) Bail jumping in the second degree;
- 13 (G) Bribery;
- 14 (H) Bribery of or by a witness;
- 15 (I) Intimidating a witness;
- 16 (J) Bribery of or by a juror;
- 17 (K) Intimidating a juror;
- 18 (L) Jury tampering;
- 19 (M) Promoting prostitution;
- 20 (N) Abuse of family or household member;
- 21 (O) Sexual assault in the second degree;



- 1 (P) Sexual assault in the third degree;
- 2 (Q) A violation of an order issued pursuant to
- 3 chapter 586;
- 4 (R) Promoting child abuse in the second degree;
- 5 (S) Promoting child abuse in the third degree;
- 6 (T) Electronic enticement of a child in the first
- 7 degree;
- 8 (U) Electronic enticement of a child in the second
- 9 degree;
- 10 (V) Prostitution pursuant to section 712-1200(1)(b);
- 11 (W) Street solicitation of prostitution under section
- 12 712-1207(1)(b);
- 13 (X) Solicitation of prostitution near schools or
- 14 public parks under section 712-1209; or
- 15 (Y) Habitual solicitation of prostitution under
- 16 section 712-1209.5; [~~e~~
- 17 ~~(Z) Solicitation of a minor for prostitution under~~
- 18 ~~section 712-1209.1;~~]
- 19 (14) The defendant has been charged with:
- 20 (A) Knowingly or intentionally falsifying any report
- 21 required under chapter 11, part XIII with the



1 intent to circumvent the law or deceive the
2 campaign spending commission; or
3 (B) Violating section 11-352 or 11-353; or
4 (15) The defendant holds a commercial driver's license and
5 has been charged with violating a traffic control law, other
6 than a parking law, in connection with the operation of any type
7 of motor vehicle."

8 SECTION 17. Section 712-1209.1, Hawaii Revised Statutes,
9 is repealed.

10 ~~["§712-1209.1 Solicitation of a minor for prostitution.~~

11 ~~(1) A person eighteen years of age or older commits the offense~~
12 ~~of solicitation of a minor for prostitution if the person~~
13 ~~intentionally, knowingly, or recklessly offers or agrees to pay~~
14 ~~a fee to a minor or to a member of a police department, a~~
15 ~~sheriff, or a law enforcement officer who represents that~~
16 ~~person's self as a minor to engage in sexual conduct.~~

17 ~~(2) Solicitation of a minor for prostitution is a class C~~
18 ~~felony.~~

19 ~~(3) A person convicted of committing the offense of~~
20 ~~solicitation of a minor for prostitution shall be imposed a fine~~



1 ~~of not less than \$5,000, provided that \$5,000 of the imposed~~
2 ~~fine shall be credited to the general fund.~~

3 ~~(4) This section shall not apply to any member of a police~~
4 ~~department, a sheriff, or a law enforcement officer who offers~~
5 ~~or agrees to pay a fee to a minor while acting in the course and~~
6 ~~scope of duties.~~

7 ~~(5) The state of mind requirement for this offense is not~~
8 ~~applicable to the fact that the person solicited was a minor. A~~
9 ~~person is strictly liable with respect to the attendant~~
10 ~~circumstance that the person solicited was a minor.~~

11 ~~(6) For purposes of this section:~~

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

14 ~~"Sexual conduct" has the same meaning as in section~~
15 ~~712-1200(2)."]~~

16 PART V

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

20 SECTION 19. If any provision of this Act, or the
21 application thereof to any person or circumstance, is held



1 invalid, the invalidity does not affect other provisions or
 2 applications of the Act that can be given effect without the
 3 invalid provision or application, and to this end the provisions
 4 of this Act are severable.

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

7 SECTION 21. This Act shall take effect upon its approval.
 8

INTRODUCED BY:

<u>Alan Todd</u>	<u>Amy Perino</u>
<u>Brend Koford</u>	_____
<u>Mark J. Hall</u>	<u>Tom Wilbur</u>
<u>_____</u>	<u>S. Oil</u>
<u>_____</u>	<u>Ashburn</u>
<u>_____</u>	<u>Jindal</u>
<u>_____</u>	<u>DeWine</u>
<u>_____</u>	<u>John M. [unclear]</u>
<u>Nedra K. [unclear]</u>	<u>[unclear]</u>



H.B. NO. 233

Report Title:

Prostitution; Sex Trafficking; Minor; Victim Compensation;
Promoting Travel for Prostitution

Description:

Removes the criminal statute of limitations for sex trafficking and promoting prostitution. Exempts minors from criminal liability for prostitution and street solicitation of prostitution. Establishes minimum criminal and regulatory penalties for prostitution, sex trafficking, and promoting travel for prostitution. Repeals the offense of solicitation of a minor for prostitution.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

