

Honolulu, Hawaii
, 2020

FEB 14

RE: H.B. No. 2272

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2272 entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL OFFENSES,"

begs leave to report as follows:

The purpose of this measure is to amend the offense of solicitation of a minor for prostitution by:

- (1) Specifying that the act of offering or agreeing to any type of consideration in exchange for sexual conduct with a minor, rather than solely offering to pay a fee, constitutes solicitation of a minor;
- (2) Changing the offense to a Class B felony; and
- (3) Clarifying that the offender's state of mind does not apply to a situation involving an undercover law enforcement officer.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Maui Police Department, Honolulu Police Department, Hawaii Youth Services Network, IMUAlliance, Hoola Na Pua, and three individuals. Your Committee received comments on this measure from City and County of Honolulu Department of the Prosecuting Attorney.



Your Committee finds that solicitation of a minor does not always involve the exchange of monetary consideration for sex, but may involve the exchange of some other thing of value, such as basic necessities like a meal for the day, a place to sleep, or clothing. The existing statute penalizing the solicitation of a minor for prostitution only penalizes offenders who solicit a minor in exchange for a fee. Additionally, the solicitation of a minor for prostitution is only a Class C felony, while an analogous offense, the electronic enticement of a child in the first degree, is a Class B felony. This measure protects vulnerable victims by expanding the offense of solicitation of a child for prostitution to include cases where non-monetary consideration is exchanged for sex, and by increasing the penalty for the offense by one grade.

Your Committee has amended this measure by:

- (1) Imposing a criminal penalty on:
 - (A) A parent or guardian who offers or agrees for consideration or the promise of consideration for the purpose of another engaging in sexual conduct with the parent or guardian's minor child;
 - (B) An adult who communicates with someone who represents themselves as having control or custody of a minor, including a parent or guardian, for the purpose of engaging in sexual conduct with the minor; and
 - (C) A person seeking to solicit sexual conduct with a minor from a third person;
- (2) Adding a definition for "consideration";
- (3) Specifying that the new offenses are covered offenses for registration of sex offenders;
- (4) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2272, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2272, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



CHRIS LEE, Chair



