

STAND. COM. REP. NO. 3738

Honolulu, Hawaii

JUL 02 2020

RE: H.B. No. 2573
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2573, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to authorize a prosecution for sex trafficking to be commenced at any time.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which amends this measure by:

- (1) Repealing the criminal statute of limitations for sex trafficking and promoting prostitution;
- (2) Specifying that sex trafficking of a minor is a strict liability offense;
- (3) Designating the offense of solicitation of a minor for prostitution as sex trafficking;
- (4) Including coercion to engage in prostitution as a means by which to commit the offense of sex trafficking; and
- (5) Making it effective upon its approval.



Your Committee received testimony in support of the proposed S.D. 1 from the Department of the Attorney General, City and County of Honolulu Department of the Prosecuting Attorney, Honolulu Police Department, Parents and Children Together, Hawaii Psychological Association, IMUAlliance, Rainbow Family 808, Ho'ola Na Pua, and nine individuals. Your Committee received testimony in opposition to the proposed S.D. 1 from the Office of the Public Defender, Harm Reduction Hawaii, and one individual.

Your Committee finds that a disproportionately low number of sex trafficking offenses that occur in the State are prosecuted in court due in significant part to the fact that most sex trafficking victims delay reporting the crimes committed against them, and many do not report the crimes at all. Most victims delay their reports until after they have been removed from their traffickers and the corresponding living conditions, and many don't speak out until they undergo trauma-informed care and counseling. Your Committee finds that prosecutors should have the power to pursue a criminal case for sex trafficking regardless of when the offense was committed.

Your Committee further finds that existing state law does not identify solicitation of a minor for prostitution as a form of sex trafficking, but under title 18 United States Code section 1591, federal law recognizes offering to engage in sexual activity with a minor for anything of value as a form of sex trafficking. Your Committee finds that it is necessary to protect Hawaii's children from sexual exploitation by designating the solicitation of a minor for prostitution as a form of sex trafficking under state law.

Your Committee has amended this measure by adopting the proposed S.D. 1 and furthering amending it by including knowingly offering or agreeing to consideration or the promise of consideration to a third person pursuant to an understanding that such compensation is in exchange for engaging in sexual conduct with a minor under the offense of sex trafficking.

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. 2573, H.D. 1, as amended herein, and recommends that it pass



Second Reading in the form attached hereto as H.B. No. 2573,
H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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

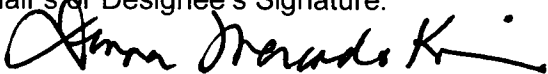


KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2573 HD1	JDC	06/23/2020		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313	
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt	/			
TOTAL	5			
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes