

STAND. COM. REP. NO.

952

Honolulu, Hawaii

FEB 28 , 2019

RE: H.B. No. 486
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 486 entitled:

"A BILL FOR AN ACT RELATING TO PROSTITUTION,"

begs leave to report as follows:

The purpose of this measure is to permit persons convicted of certain prostitution offenses to file a motion to vacate the conviction if the defendant is not convicted of another offense under the Hawaii Penal Code within three years of the prostitution offense and without regard to the defendant's status as a victim of trafficking or promoting prostitution.

The Hawai'i State Commission on the Status of Women, County of Kaua'i Office of the Prosecuting Attorney, LGBT Caucus of the Democratic Party of Hawaii, IMUAlliance, Harm Reduction Hawaii, Hawaii Women's Coalition, American Association of University Women of Hawaii, Aloha State Association of the Deaf, Save Medicaid Hawaii, and several individuals testified in support of this measure. The City and County of Honolulu Department of the Prosecuting Attorney testified in opposition to this measure. The Sex Abuse Treatment Center provided comments.

HB486 HD1 HSCR JUD HMS 2019-2600-1



Your Committee has amended this measure by:

- (1) Removing the criminal statute of limitations for sex trafficking and promoting prostitution;
- (2) Exempting minors from criminal liability for prostitution;
- (3) Establishing minimum criminal and regulatory penalties for prostitution, sex trafficking, and promoting travel for prostitution;
- (4) Incorporating the offense of solicitation of a minor for prostitution into the offense of sex trafficking, which is a class A felony;
- (5) Reducing the state of mind requirement for the offense of promoting prostitution;
- (6) Repealing the offense of street solicitation of prostitution;
- (7) Changing its effective date to January 28, 2081; and
- (8) Making technical, nonsubstantive amendments for 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. 486, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 486, H.D. 1, and be placed on the calendar for Third Reading.

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



CHRIS LEE, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB486	Committee Referral: JUD	Date: 2/22/19		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom				/
4. CREAGAN, Richard P.				/
5. LOWEN, Nicole E.	/			
6. McKELVEY, Angus L.K.				/
7. MORIKAWA, Dee	/			
8. SAY, Calvin K.Y.	/			
9. TAKAYAMA, Gregg	/			
10. YAMANE, Ryan I.	/			
11. THIELEN, Cynthia	/			
TOTAL (11)	8			3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 150px;">committee acronym(s)</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				