

JAN 21 2022

A BILL FOR AN ACT

RELATING TO PROSTITUTION.

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

1 SECTION 1. Section 712-1209.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§712-1209.6~~ Prostitution; motion to vacate conviction.

4 (1) A person convicted of or who has a nolo contendere plea
5 accepted by the court under section 853-2 for committing the
6 offense of prostitution under section 712-1200, loitering for
7 the purpose of engaging in or advancing prostitution under
8 section 712-1206(2), street prostitution and commercial sexual
9 exploitation in designated areas under section 712-1207(1)(a) or
10 (2)(a), or convicted of or has a nolo contendere plea accepted
11 by the court under section 853-2 for a lesser offense when
12 originally charged with a violation of section 712-1200,
13 712-1206(2), or 712-1207(1)(a) or (2)(a), may file a motion to
14 vacate the conviction if the defendant is not subsequently
15 convicted of any offense under the Hawaii Penal Code within
16 three years after the date of the original conviction[-] or
17 deferral of the nolo contendere plea under section 853-1;



1 provided that the nolo contendere plea is ultimately accepted by
2 the court under section 853-2. A person's right to file a
3 motion to vacate a conviction under this section shall be
4 applied retroactively.

5 (2) The court shall hold a hearing on a motion filed under
6 this section to review the defendant's record over the three
7 years after the date of the deferral of the nolo contendere plea
8 under section 853-1 or the original conviction under section
9 712-1200, 712-1206(2), or 712-1207(1)(a) or (2)(a) or conviction
10 or acceptance of a nolo contendere plea under section 853-2 of a
11 lesser offense when originally charged with a violation of any
12 of those sections, and if the court finds that the defendant has
13 not been convicted of any offense under the Hawaii Penal Code
14 within this three year period, the court shall vacate the
15 conviction."

16 SECTION 2. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 3. This Act shall take effect upon its approval.

19
INTRODUCED BY:  _____



S.B. NO. 2660

Report Title:

Prostitution; Vacate; Conviction; Deferred Acceptance of Nolo Contendere Plea; Retroactive

Description:

Allows defendants who enter deferred acceptance of nolo contendere pleas to have the conviction vacated if conditions are met. Amends the statute to specify that the three-year period begins after the original deferral of the nolo contendere plea.

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

