

Honolulu, Hawaii
, 2024

APR 01

RE: S.B. No. 3036
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 3036, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC HEALTH AND MORALS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify the definition of "profits from prostitution" to include situations where the money, thing of value, or other property received is not in excess of expenditures related to the agreement or understanding or is for reimbursement or repayment of a debt; and
- (2) Amend the sex trafficking and promoting prostitution criminal offense statutes by inserting relevant definitions in those statutes and repealing a statute that is no longer needed.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Department of the Prosecuting Attorney of the City and County of Honolulu; Department of the Prosecuting Attorney of the County of Maui; Honolulu Police Department; Imua Alliance; and two individuals.



Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that in *State v. Ibarra*, 153 Hawai'i 50, 526 P.3d 575 (2023), the Hawaii Supreme Court decided to redefine a statutorily defined term. Your Committee further finds that as one of three co-equal branches of the Hawaii State Government, the Legislature has the sole power to make new laws or change existing laws. This measure clarifies the laws on sex trafficking and promoting prostitution so that sex traffickers may be held accountable.

Your Committee has amended this measure by:

- (1) Clarifying that the offense of sex trafficking includes profiting from prostitution that is the result of another person compelling or inducing a person by force, threat, fraud, coercion, or intimidation to engage in prostitution;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) 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 & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3036, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3036, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



