

JAN 25 2023

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# A BILL FOR AN ACT

RELATING TO REDUCING THE HARMS IN THE SEX TRADE.

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

1 PART I

2 SECTION 1. The legislature finds that the State should  
3 revisit current laws governing prostitution and find ways to  
4 reduce harms. A review indicates that a number of these  
5 statutes harm individuals without any rational public purpose.  
6 Accordingly, those statutes violate the state constitution's  
7 guarantee of liberty. Although repealing a number of laws that  
8 do not address these issues might not in and of itself  
9 ameliorate them, that does not create a reason for the State to  
10 actively create harm to consenting adults. Moreover, leading  
11 anti-trafficking organizations, such as the Global Alliance  
12 Against Traffic in Women, and Amnesty International, recommend  
13 an approach that decriminalizes adult consensual acts in the sex  
14 trades. New Zealand has taken this path and shows little to no  
15 evidence of sex trafficking since their reforms were passed  
16 twenty years ago.



1 Fifty years ago, the legislature rewrote the old Hawaii  
2 rules governing prostitution. The findings of that legislature  
3 were that:

4 History has proven that prostitution is not going  
5 to be abolished either by penal legislation, nor the  
6 imposition of criminal sanctions, through the vigorous  
7 enforcement of such legislation. Yet the trend of  
8 modern thought on prostitution in this country is that  
9 "public policy" demands that the criminal law go on  
10 record against prostitution. [1] Defining this "public  
11 policy" is a difficult task. Perhaps it more  
12 correctly ought to be considered and termed "public  
13 demand"--a widespread community attitude which the  
14 penal law must take into account regardless of the  
15 questionable rationales upon which it is based.

16 A number of reasons have been advanced for the  
17 suppression of prostitution, the most often repeated  
18 of which are: "the prevention of disease, the  
19 protection of innocent girls from exploitation, and  
20 the danger that more sinister activities may be  
21 financed by the gains from prostitution." [2] These



1 reasons are not convincing. Venereal disease is not  
2 prevented by laws attempting to suppress prostitution.  
3 If exploitation were a significant factor, the offense  
4 could be dealt with solely in terms of coercion.

5 Legalizing prostitution would decrease the  
6 prostitute's dependence upon and connection with the  
7 criminal underworld and might decrease the danger that  
8 "organized crime" might be financed in part by  
9 criminally controlled prostitution.

10 Our study of public attitude in this area  
11 revealed the widespread belief among those interviewed  
12 that prostitution should be suppressed entirely or  
13 that it should be so restricted as not to offend those  
14 members of society who do not wish to consort with  
15 prostitutes or to be affronted by them. Making  
16 prostitution a criminal offense is one method of  
17 controlling the scope of prostitution and thereby  
18 protecting those segments of society which are  
19 offended by its open existence. This "abolitionist"  
20 approach is not without its vociferous detractors.  
21 There are those that contend that the only honest and



1 workable approach to the problem is to legalize  
2 prostitution and confine it to certain localities  
3 within a given community. While such a proposal may  
4 exhibit foresight and practicality, the fact remains  
5 that a large segment of society is not presently  
6 willing to accept such a liberal approach.  
7 Recognizing this fact and the need for public order,  
8 the Code makes prostitution and its associate  
9 enterprises criminal offenses.

10 Since these words were written, many arguments countering  
11 them have been put forward and the laws have been amended  
12 numerous times. Yet, these earlier statements do not seem to  
13 have been contradicted.

14 The purpose of this Act is to decriminalize prostitution.

15 SECTION 2. Section 663J-2, Hawaii Revised Statutes, is  
16 amended by amending the definitions of "promoting prostitution",  
17 "prostitution", and "sex trafficking" to read as follows:

18 ""Promoting prostitution" means [~~promoting prostitution as~~  
19 ~~provided in section 712-1203.~~] knowingly advancing or profiting  
20 from prostitution.



1 "Prostitution" [~~has the same meaning as provided in section~~  
2 ~~712-1200.~~] means engaging in, or agreeing or offering to engage  
3 in, sexual conduct with another person in return for a fee or  
4 anything of value.

5 "Sex trafficking" has the same meaning as provided in  
6 [~~section 712-1202.~~] title 22 United States Code Annotated  
7 section 7102."

8 SECTION 3. Section 706-606.6, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "**§706-606.6 Repeat violent and sexual offender; enhanced**  
11 **sentence.** (1) Notwithstanding any other provision of law to  
12 the contrary, any person who is convicted of an offense under  
13 section 707-701.5, 707-702, 707-730, 707-731, 707-732,  
14 707-733.6, 707-750, 708-840, 712-1202, 712-1203, or 712-1209.1,  
15 after having been convicted on at least three prior and separate  
16 occasions of an offense under section 707-701.5, 707-702,  
17 707-710, 707-711, 707-730, 707-731, 707-732, 707-733.6, 707-750,  
18 708-840, 712-1202, [~~712-1203,~~] or 712-1209.1, or of an offense  
19 under federal law or the laws of another state that is  
20 comparable to an offense under section 707-701.5, 707-702,  
21 707-710, 707-711, 707-730, 707-731, 707-732, 707-733.6, 707-750,



1 708-840, 712-1202, [~~712-1203,~~] or 712-1209.1, shall be sentenced  
2 to an extended term of imprisonment as provided in section  
3 706-661.

4 (2) A conviction shall not be considered a prior offense  
5 unless the conviction occurred within the following time  
6 periods:

7 (a) For an offense under section 707-701.5, 707-702,  
8 707-730, 707-733.6, 707-750, 708-840, 712-1202,  
9 [~~712-1203,~~] or 712-1209.1, within the past twenty  
10 years from the date of the instant offense;

11 (b) For an offense under section 707-710 or 707-731,  
12 within the past ten years from the date of the instant  
13 offense;

14 (c) For an offense under section 707-711 or 707-732,  
15 within the past five years from the date of the  
16 instant offense; or

17 (d) For an offense under federal law or the laws of  
18 another state that is comparable to an offense under  
19 section 707-701.5, 707-702, 707-710, 707-711, 707-730,  
20 707-731, 707-732, 707-733.6, 707-750, 708-840,  
21 712-1202, [~~712-1203,~~] or 712-1209.1, within the



1 maximum term of imprisonment possible under the  
2 appropriate jurisdiction."

3 SECTION 4. Section 712-1200, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§712-1200 Prostitution.** (1) A [~~person~~] minor commits  
6 the offense of prostitution if the [~~person~~] minor engages in, or  
7 agrees or offers to engage in, sexual conduct with another  
8 person in return for a fee or anything of value.

9 [~~(2) As used in this section:~~

10 "~~Minor~~" means a person who is less than eighteen years of  
11 age.

12 "~~Sexual conduct~~" means "~~sexual penetration~~", "~~deviate~~  
13 ~~sexual intercourse~~", or "~~sexual contact~~", as those terms are  
14 defined in section 707-700, or "~~sadomasochistic abuse~~" as  
15 defined in section 707-752.

16 ~~(3) Prostitution is a petty misdemeanor; provided that if~~  
17 ~~the person who commits the offense under subsection (1) is a~~  
18 ~~minor, prostitution is a violation.~~

19 ~~(4) A person convicted of committing the offense of~~  
20 ~~prostitution as a petty misdemeanor shall be sentenced as~~  
21 ~~follows:~~



- 1       ~~(a) For the first offense, when the court has not deferred~~  
2       ~~further proceedings pursuant to chapter 853, a fine of~~  
3       ~~no less than \$500 but no more than \$1,000 and the~~  
4       ~~person may be sentenced to a term of imprisonment of~~  
5       ~~no more than thirty days or probation; provided that~~  
6       ~~in the event the convicted person defaults in payment~~  
7       ~~of the fine, and the default was not contumacious, the~~  
8       ~~court may make an order converting the unpaid portion~~  
9       ~~of the fine to community service as authorized by~~  
10       ~~section 706-605(1);~~
- 11       ~~(b) For any subsequent offense, a fine of no less than~~  
12       ~~\$500 but no more than \$1,000 and a term of~~  
13       ~~imprisonment of thirty days or probation, without~~  
14       ~~possibility of deferral of further proceedings~~  
15       ~~pursuant to chapter 853 and without possibility of~~  
16       ~~suspension of sentence; and~~
- 17       ~~(c) For the purpose of this subsection, if the court has~~  
18       ~~deferred further proceedings pursuant to chapter 853,~~  
19       ~~and notwithstanding any provision of chapter 853 to~~  
20       ~~the contrary, the defendant shall not be eligible to~~  
21       ~~apply for expungement pursuant to section 831-3.2~~





1           ~~until three years following discharge. A plea~~  
2           ~~previously entered by a defendant under section 853-1~~  
3           ~~for a violation of this section shall be considered a~~  
4           ~~prior offense.~~

5           ~~(5) This section shall not apply to any member of a police~~  
6           ~~department, a sheriff, or a law enforcement officer acting in~~  
7           ~~the course and scope of duties; provided that the member of a~~  
8           ~~police department, sheriff, or law enforcement officer is~~  
9           ~~engaging in undercover operations; provided further that under~~  
10          ~~no circumstances shall sexual contact initiated by a member of a~~  
11          ~~police department, sheriff, or law enforcement officer; sexual~~  
12          ~~penetration; or sadomasochistic abuse be considered to fall~~  
13          ~~within the course and scope of duties.~~

14          ~~(6)]~~ (2) A minor may be taken into custody by any police  
15          officer without order of the judge when there are reasonable  
16          grounds to believe that the minor has violated subsection (1).  
17          The minor shall be released, referred, or transported pursuant  
18          to section 571-31(b). The minor shall be subject to the  
19          jurisdiction of the family court pursuant to section 571-11(1),  
20          including for the purposes of custody, detention, diversion, and  
21          access to services and resources."



1 SECTION 5. Section 712-1201, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§712-1201 Advancing prostitution; profiting from**  
4 **prostitution; definition of terms.** In [~~sections~~] section  
5 712-1202 [~~and 712-1203~~]:

6 (1) A person engages in prostitution if the person engages  
7 in, or agrees or offers to engage in, sexual conduct  
8 with another person in return for a fee or anything of  
9 value.

10 (2) As used in this section:

11 (A) "Minor" means a person who is less than eighteen  
12 years of age; and

13 (B) "Sexual conduct" means "sexual penetration",  
14 "deviate sexual intercourse", or "sexual  
15 contact", as those terms are defined in section  
16 707-700, or "sodomasochistic abuse" as defined in  
17 section 707-752.

18 [~~(1)~~] (3) A person "advances prostitution" if the person  
19 knowingly causes or aids a person to commit or engage  
20 in prostitution, procures or solicits patrons for  
21 prostitution, provides persons for prostitution



1 purposes, permits premises to be regularly used for  
2 prostitution purposes, operates or assists in the  
3 operation of a house of prostitution or a prostitution  
4 enterprise, or engages in any other conduct designed  
5 to institute, aid, or facilitate an act or enterprise  
6 of prostitution;

7 ~~[(+2)]~~ (4) A person "profits from prostitution" if the  
8 person accepts or receives money, anything of value,  
9 or other property pursuant to an agreement or  
10 understanding with any person whereby the person  
11 participates or is to participate in the proceeds of  
12 prostitution activity; and

13 ~~[(+3)]~~ (5) The definitions in subsections ~~[(+1)]~~ (3) and  
14 ~~[(+2)]~~ (4) shall not include those engaged in conduct  
15 outlined in ~~[section 712-1200 as the prostituted~~  
16 ~~person or section 712-1200.5 as the person engaged in~~  
17 ~~commercial sexual exploitation.]~~ subsections (1)  
18 and (2)."

19 SECTION 6. Section 712-1209.1, Hawaii Revised Statutes, is  
20 amended by amending subsection (7) to read as follows:

21 "(7) For purposes of this section:



1 "Minor" means a person who is less than eighteen years of  
2 age.

3 "Sexual conduct" [~~has the same meaning as in section~~  
4 ~~712-1200(2).~~] means "sexual penetration", "deviate sexual  
5 intercourse", or "sexual contact", as those terms are defined in  
6 section 707-700, or "sodomasochistic abuse" as defined in  
7 section 707-752."

8 SECTION 7. Section 804-4, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 **"§804-4 When a matter of right.** (a) If the charge is for  
11 an offense for which bail is allowable under section 804-3, the  
12 defendant may be admitted to bail before conviction as a matter  
13 of right and under the least restrictive conditions required to  
14 ensure the defendant's appearance and to protect the public.  
15 [~~Except for section 712-1207(7), bail shall be allowed for any~~  
16 ~~person charged under section 712-1207 only subject to the~~  
17 ~~mandatory condition that the person observe geographic~~  
18 ~~restrictions that prohibit the defendant from entering or~~  
19 ~~remaining on public property, in Waikiki and other areas in the~~  
20 ~~State designated by county ordinance during the hours from 6~~  
21 ~~p.m. to 6 a.m.; and provided further that nothing contained in~~



1 ~~this subsection shall be construed as prohibiting the imposition~~  
2 ~~of stricter geographic restrictions under section 804-7.1.]~~ The  
3 right to bail shall continue after conviction of a misdemeanor,  
4 petty misdemeanor, or violation, and release on bail may  
5 continue, in the discretion of the court, after conviction of a  
6 felony until the final determination of any motion for a new  
7 trial, appeal, habeas corpus, or other proceedings that are  
8 made, taken, issued, or allowed for the purpose of securing a  
9 review of the rulings, verdict, judgment, sentence, or other  
10 proceedings of any court or jury in or by which the defendant  
11 has been arraigned, tried, convicted, or sentenced; provided  
12 that:

13 (1) No bail shall be allowed after conviction and prior to  
14 sentencing in cases where bail was not available under  
15 section 804-3, or where bail was denied or revoked  
16 before conviction; and

17 (2) No bail shall be allowed pending appeal of a felony  
18 conviction where a sentence of imprisonment has been  
19 imposed; ~~and~~

20 ~~(3) No bail shall be allowed pending appeal of a~~  
21 ~~conviction for a violation of section 712-1207, unless~~



1 ~~the court finds, based on the defendant's record, that~~  
2 ~~the defendant may be admitted to bail subject to the~~  
3 ~~mandatory condition that the person observe geographic~~  
4 ~~restrictions that prohibit the defendant from entering~~  
5 ~~or walking along the public streets or sidewalks of~~  
6 ~~Waikiki or other areas in the State designated by~~  
7 ~~county ordinance pursuant to section 712-1207 during~~  
8 ~~the hours from 6 p.m. to 6 a.m].~~

9 Notwithstanding any other provision of law to the contrary, any  
10 person who violates these bail restrictions shall have the  
11 person's bail revoked after hearing and shall be imprisoned  
12 forthwith.

13 (b) The court shall order that a person who has been found  
14 guilty of an offense and sentenced to a term of imprisonment,  
15 and who has filed an appeal or a petition for a writ of  
16 certiorari, be detained, unless the court finds:

17 (1) By clear and convincing evidence that the person is  
18 not likely to flee or pose a danger to the safety of  
19 any other person or the community if released; and



1           (2) That the appeal is not for purpose of delay and raises  
2           a substantial question of law or fact likely to result  
3           in reversal or an order for a new trial.

4 If the court makes these findings, the court shall order the  
5 release of the person in accordance with section 804-7.1 under  
6 the least restrictive conditions required to ensure the  
7 defendant's appearance and to protect the public. No defendant  
8 entitled to bail, whether bailed or not, shall be subject,  
9 without the defendant's written consent, to the operation of any  
10 sentence passed upon the defendant, while any proceedings to  
11 procure a review of any action of the trial court or jury in the  
12 premises are pending and undetermined, except as provided in  
13 section 641-14(a) [~~or section 712-1207~~]."

14           SECTION 8. Section 804-5, Hawaii Revised Statutes, is  
15 amended to read as follows:

16           "**§804-5 By whom allowed.** In cases where the punishment  
17 for the offense charged may be imprisonment for life not subject  
18 to parole, or imprisonment for a term more than ten years with  
19 or without fine, a judge or justice of a court of record,  
20 including a district judge, shall be competent to admit the  
21 accused to bail, in conformity with sections 804-3 to 804-6. In



1 all other cases, the accused may be so admitted to bail by any  
2 judge or justice of a court of record, including a district  
3 judge, and in cases [~~except under section 712-1207,~~] where the  
4 punishment for the offense charged may not exceed two years'  
5 imprisonment with or without fine, the sheriff, the sheriff's  
6 deputy, the chief of police or any person named by the chief of  
7 police, or the sheriff of Kalawao, regardless of the circuit  
8 within which the alleged offense was committed, may admit the  
9 accused person to bail. The court shall impose conditions of  
10 release or bail that are the least restrictive conditions  
11 required to ensure the accused's appearance and to protect the  
12 public."

13 SECTION 9. Section 806-83, Hawaii Revised Statutes, is  
14 amended by amending subsections (a) and (b) to read as follows:

15 "(a) Criminal charges may be instituted by written  
16 information for a felony when the charge is a class C felony,  
17 except under:

18 (1) Section 159-28 (bribery related to the Hawaii Meat  
19 Inspection Act);

20 (2) Section 161-28 (bribery related to the Hawaii Poultry  
21 Inspection Act);





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- 1 (3) Section 707-712.5 (assault against a law enforcement
- 2 officer in the first degree);
- 3 (4) Section 707-716 (terroristic threatening in the first
- 4 degree);
- 5 (5) Section 707-732 (sexual assault in the third degree);
- 6 (6) Section 707-741 (incest);
- 7 (7) Section 707-752 (promoting child abuse in the third
- 8 degree);
- 9 (8) Section 708-880 (commercial bribery);
- 10 (9) Section 709-904.5 (compensation by an adult of
- 11 juveniles for crimes);
- 12 (10) Section 710-1026.9 (resisting an order to stop a motor
- 13 vehicle in the first degree);
- 14 (11) Section 710-1070 (bribery of or by a witness);
- 15 (12) Section 710-1071 (intimidating a witness);
- 16 (13) Section 710-1072.2 (retaliating against a witness);
- 17 (14) Section 710-1073 (bribery of or by a juror);
- 18 (15) Section 710-1075 (jury tampering);
- 19 (16) Section 710-1075.5 (retaliating against a juror);
- 20 (17) Section 711-1106.4 (aggravated harassment by
- 21 stalking);



- 1 (18) Section 711-1110.9 (violation of privacy in the first  
2 degree);
- 3 [~~(19)~~] ~~Section 712-1208 (promoting travel for prostitution);~~  
4 ~~(20) Section 712-1209.5 (habitual commercial sexual~~  
5 ~~exploitation);~~
- 6 ~~(21)]~~ (19) Section 712-1215 (promoting pornography for  
7 minors);
- 8 [~~(22)]~~ (20) Section 712-1218 (failure to maintain age  
9 verification records of sexual performers);
- 10 [~~(23)]~~ (21) Section 712-1218.5 (failure to maintain age  
11 verification records of sexually exploited  
12 individuals); and
- 13 [~~(24)]~~ (22) Section 712-1219 (failure to affix information  
14 disclosing location of age verification records of  
15 sexual performers).
- 16 (b) Criminal charges may be instituted by written  
17 information for a felony when the charge is a class B felony,  
18 except under:
- 19 (1) Section 707-720 (kidnapping);
- 20 (2) Section 707-731 (sexual assault in the second degree);



- 1 (3) Section 707-751 (promoting child abuse in the second
- 2 degree);
- 3 (4) Section 708-841 (robbery in the second degree);
- 4 (5) Section 709-904.5 (compensation by an adult of
- 5 juveniles for crimes; grade or class of offense
- 6 increased);
- 7 (6) Section 710-1031 (intimidating a correctional worker);
- 8 (7) Section 710-1040 (bribery); and
- 9 (8) Section 710-1074 (intimidating a juror) [~~and~~
- 10 ~~(9) Section 712-1203 (promoting prostitution)~~]."

11 SECTION 10. Section 846E-1, Hawaii Revised Statutes, is  
12 amended by amending the definition of "sexual offense" to read  
13 as follows:

14 "Sexual offense" means an offense that is:

- 15 (1) Set forth in section 707-730(1), 707-731(1),
- 16 707-732(1), 707-733(1)(a), 707-733.6, [~~712-1200.5(4)~~],
- 17 or 712-1202(1), [~~or 712-1203(1)~~], but excludes conduct
- 18 that is criminal only because of the age of the
- 19 victim, as provided in section 707-730(1)(b), or
- 20 section 707-732(1)(b) if the perpetrator is under the
- 21 age of eighteen;



- 1           (2) An act defined in section 707-720 if the charging
- 2                   document for the offense for which there has been a
- 3                   conviction alleged intent to subject the victim to a
- 4                   sexual offense;
  
- 5           (3) An act that consists of:

  - 6                   (A) Criminal sexual conduct toward a minor, including
  - 7                           but not limited to an offense set forth in
  - 8                           section 707-759;
  - 9                   (B) Solicitation of a minor who is less than fourteen
  - 10                           years old to engage in sexual conduct;
  - 11                   (C) Use of a minor in a sexual performance;
  - 12                   (D) Production, distribution, or possession of child
  - 13                           pornography chargeable as a felony under section
  - 14                           707-750, 707-751, or 707-752;
  - 15                   (E) Electronic enticement of a child chargeable under
  - 16                           section 707-756 or 707-757 if the offense was
  - 17                           committed with the intent to promote or
  - 18                           facilitate the commission of another covered
  - 19                           offense as defined in this section; or
  - 20                   (F) Commercial sexual exploitation of a minor in
  - 21                           violation of section 712-1209.1;



- 1           (4) A violation of privacy under section 711-1110.9;
- 2           (5) An act, as described in chapter 705, that is an
- 3                 attempt, criminal solicitation, or criminal conspiracy
- 4                 to commit one of the offenses designated in paragraphs
- 5                 (1) through (4);
- 6           (6) A criminal offense that is comparable to or that
- 7                 exceeds a sexual offense as defined in paragraphs (1)
- 8                 through (5); or
- 9           (7) Any federal, military, out-of-state, tribal, or
- 10                foreign conviction for any offense that under the laws
- 11                of this State would be a sexual offense as defined in
- 12                paragraphs (1) through (6)."

13           SECTION 11. Section 846E-10, Hawaii Revised Statutes, is  
14 amended by amending subsections (c) and (d) to read as follows:

15           "(c) Tier 2 offenses. A covered offender who has  
16 maintained a clean record for the previous twenty-five years,  
17 excluding any time the offender was in custody or civilly  
18 committed, and who has substantially complied with the  
19 registration requirements of this chapter for the previous  
20 twenty-five years, or for the portion of that twenty-five years  
21 that this chapter has been applicable, and who is not a repeat



1 covered offender may petition the court, in a civil proceeding,  
2 for termination of registration requirements; provided that the  
3 covered offender's most serious covered offense is one of the  
4 following:

- 5 (1) Any offense set forth in section 707-730(1)(c),  
6 707-731(1)(c), 707-732(1)(c), 707-750, 707-751, or  
7 712-1202[, ~~or 712-1203(1)(b), as section 712-~~  
8 ~~1203(1)(b) read before its amendment pursuant to~~  
9 ~~section 9 of Act 147, Session Laws of Hawaii 2008~~];
- 10 (2) An offense set forth in section 707-720; provided that  
11 the charging document for the offense for which there  
12 has been a conviction alleged intent to subject the  
13 victim to a sexual offense;
- 14 (3) An offense set forth in section 707-756 that includes  
15 an intent to promote or facilitate the commission of  
16 another felony covered offense as defined in section  
17 846E-1;
- 18 (4) An offense that is an attempt, criminal solicitation,  
19 or criminal conspiracy to commit any of the offenses  
20 in paragraph (1), (2), or (3);



- 1           (5) Any criminal offense that is comparable to one of the  
2           offenses in paragraph (1), (2), (3), or (4); or  
3           (6) Any federal, military, out-of-state, tribal, or  
4           foreign offense that is comparable to one of the  
5           offenses in paragraph (1), (2), (3), or (4).  
6           (d) Tier 1 offenses. A covered offender who has  
7 maintained a clean record for the previous ten years, excluding  
8 any time the offender was in custody or civilly committed, and  
9 who has substantially complied with the registration  
10 requirements of this chapter for the previous ten years, or for  
11 the portion of that ten years that this chapter has been  
12 applicable, and who is not a repeat covered offender may  
13 petition the court, in a civil proceeding, for termination of  
14 registration requirements; provided that the covered offender's  
15 most serious covered offense is one of the following:  
16           (1) Any offense set forth in section 707-732(1)(d), (e),  
17           or (f); 707-733(1)(a); 707-752; 707-759; 711-1110.9;  
18           [~~712-1203(1);~~] or 712-1209.1;  
19           (2) An offense set forth in section 707-721 or 707-722;  
20           provided that the offense involves unlawful



- 1           imprisonment of a minor by someone other than a  
2           parent;
- 3           (3) An offense set forth in section 707-757 that includes  
4           an intent to promote or facilitate the commission of  
5           another covered offense as defined in section 846E-1;
- 6           (4) An offense that is an attempt, criminal solicitation,  
7           or criminal conspiracy to commit any of the offenses  
8           in paragraph (1), (2), or (3);
- 9           (5) Any criminal offense that is comparable to one of the  
10          offenses in paragraph (1), (2), (3), or (4);
- 11          (6) Any federal, military, out-of-state, tribal, or  
12          foreign offense that is comparable to one of the  
13          offenses in paragraph (1), (2), (3), or (4); or
- 14          (7) Any other covered offense that is not specified in  
15          subsection (a) or (c) or paragraph (1), (2), (3), (4),  
16          (5), or (6)."

17          SECTION 12. Section 853-4, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

- 19          "(a) This chapter shall not apply when:
- 20          (1) The offense charged involves the intentional, knowing,  
21          reckless, or negligent killing of another person;





- 1           (2) The offense charged is:
- 2                 (A) A felony that involves the intentional, knowing,
- 3                         or reckless bodily injury, substantial bodily
- 4                         injury, or serious bodily injury of another
- 5                         person; or
- 6                 (B) A misdemeanor or petty misdemeanor that carries a
- 7                         mandatory minimum sentence and that involves the
- 8                         intentional, knowing, or reckless bodily injury,
- 9                         substantial bodily injury, or serious bodily
- 10                         injury of another person;
- 11                 provided that the prohibition in this paragraph shall
- 12                         not apply to offenses described in section
- 13                         709-906(18);
- 14           (3) The offense charged involves a conspiracy or
- 15                         solicitation to intentionally, knowingly, or
- 16                         recklessly kill another person or to cause serious
- 17                         bodily injury to another person;
- 18           (4) The offense charged is a class A felony;
- 19           (5) The offense charged is nonprobationable;
- 20           (6) The defendant has been convicted of any offense
- 21                         defined as a felony by the Hawaii Penal Code or has



- 1           been convicted for any conduct that if perpetrated in  
2           this State would be punishable as a felony;
- 3           (7) The defendant is found to be a law violator or  
4           delinquent child for the commission of any offense  
5           defined as a felony by the Hawaii Penal Code or for  
6           any conduct that if perpetrated in this State would  
7           constitute a felony;
- 8           (8) The defendant has a prior conviction for a felony  
9           committed in any state, federal, or foreign  
10          jurisdiction;
- 11          (9) A firearm was used in the commission of the offense  
12          charged;
- 13          (10) The defendant is charged with the distribution of a  
14          dangerous, harmful, or detrimental drug to a minor;
- 15          (11) The defendant has been charged with a felony offense  
16          and has been previously granted deferred acceptance of  
17          guilty plea or no contest plea for a prior offense,  
18          regardless of whether the period of deferral has  
19          already expired;
- 20          (12) The defendant has been charged with a misdemeanor  
21          offense and has been previously granted deferred



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- 1 acceptance of guilty plea or no contest plea for a  
2 prior felony, misdemeanor, or petty misdemeanor for  
3 which the period of deferral has not yet expired;
- 4 (13) The offense charged is:
- 5 (A) Escape in the first degree;
  - 6 (B) Escape in the second degree;
  - 7 (C) Promoting prison contraband in the first degree;
  - 8 (D) Promoting prison contraband in the second degree;
  - 9 (E) Bail jumping in the first degree;
  - 10 (F) Bail jumping in the second degree;
  - 11 (G) Bribery;
  - 12 (H) Bribery of or by a witness;
  - 13 (I) Intimidating a witness;
  - 14 (J) Bribery of or by a juror;
  - 15 (K) Intimidating a juror;
  - 16 (L) Jury tampering;
  - 17 (M) Promoting prostitution;
  - 18 (N) Abuse of family or household member except as  
19 provided in paragraph (2) and section  
20 709-906(18);
  - 21 (O) Sexual assault in the second degree;



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- 1 (P) Sexual assault in the third degree;
- 2 (Q) A violation of an order issued pursuant to
- 3 chapter 586;
- 4 (R) Promoting child abuse in the second degree;
- 5 (S) Promoting child abuse in the third degree;
- 6 (T) Electronic enticement of a child in the first
- 7 degree;
- 8 (U) Electronic enticement of a child in the second
- 9 degree;
- 10 ~~-(V) Commercial sexual exploitation pursuant to~~
- 11 ~~section 712-1200.5;~~
- 12 ~~-(W) Street prostitution and commercial sexual~~
- 13 ~~exploitation under section 712-1207(1)(b) or~~
- 14 ~~-(2)(b);~~
- 15 ~~-(X) Commercial sexual exploitation near schools or~~
- 16 ~~public parks under section 712-1209;~~
- 17 ~~-(Y)] (V) Commercial sexual exploitation of a minor~~
- 18 ~~under section 712-1209.1;~~
- 19 ~~-(Z) Habitual commercial sexual exploitation under~~
- 20 ~~section 712-1209.5;~~



- 1           ~~(AA)~~ (W)    Violation of privacy in the first degree
- 2                           under section 711-1110.9;
- 3           ~~(BB)~~ (X)    Violation of privacy in the second degree
- 4                           under section 711-1111(1)(d), (e), (f), (g), or
- 5                           (h);
- 6           ~~(CC)~~ (Y)    Habitually operating a vehicle under the
- 7                           influence of an intoxicant under section
- 8                           291E-61.5(a);
- 9           ~~(DD)~~ (Z)    Promoting gambling in the first degree; or
- 10          ~~(EE)~~ (AA) Promoting gambling in the second degree;
- 11          (14)    The defendant has been charged with:
- 12                    (A)    Knowingly or intentionally falsifying any report
- 13                           required under part XIII of chapter 11, with the
- 14                           intent to circumvent the law or deceive the
- 15                           campaign spending commission; or
- 16                    (B)    Violating section 11-352 or 11-353; or
- 17          (15)    The defendant holds a commercial driver's license and
- 18                           has been charged with violating a traffic control law,
- 19                           other than a parking law, in connection with the
- 20                           operation of any type of motor vehicle."



1 SECTION 13. Section 712-1200.5, Hawaii Revised Statutes,  
2 is repealed.

3 ~~["§712-1200.5] Commercial sexual exploitation. (1) A~~  
4 ~~person commits the offense of commercial sexual exploitation if~~  
5 ~~the person provides, agrees to provide, or offers to provide a~~  
6 ~~fee or anything of value to another to engage in sexual conduct.~~

7 ~~(2) As used in this section, "sexual conduct" has the same~~  
8 ~~meaning as in section 712-1200(2).~~

9 ~~(3) Except as provided in subsection (4), commercial~~  
10 ~~sexual exploitation is a petty misdemeanor.~~

11 ~~(4) Commercial sexual exploitation is a class C felony if~~  
12 ~~the person who commits the offense under subsection (1) does so~~  
13 ~~in reckless disregard of the fact that the person exploited is a~~  
14 ~~victim of sex trafficking.~~

15 ~~(5) A person convicted of committing the offense of~~  
16 ~~commercial sexual exploitation as a petty misdemeanor shall be~~  
17 ~~sentenced as follows:~~

18 ~~(a) For the first offense, a fine of no less than \$500 but~~  
19 ~~no more than \$1,000 and the person may be sentenced to~~  
20 ~~a term of imprisonment of no more than thirty days or~~  
21 ~~probation; provided that in the event the convicted~~



1           ~~person defaults in payment of the fine, and the~~  
2           ~~default was not contumacious, the court may order~~  
3           ~~conversion of the unpaid portion of the fine to~~  
4           ~~community service as authorized by section 706-605(1);~~  
5       ~~(b) For any subsequent offense, a fine of no less than~~  
6           ~~\$500 but no more than \$1,000 and a term of~~  
7           ~~imprisonment or probation of no more than thirty days,~~  
8           ~~without possibility of suspension of sentence; and~~  
9       ~~(c) For purposes of this subsection, the court may impose~~  
10           ~~as a condition of probation that the defendant~~  
11           ~~complete a course of exploitation intervention~~  
12           ~~classes; provided that the court shall only impose the~~  
13           ~~condition for one term of probation.~~

14       ~~(6) This section shall not apply to any member of a police~~  
15       ~~department, a sheriff, or a law enforcement officer acting in~~  
16       ~~the course and scope of duties; provided that the member of a~~  
17       ~~police department, sheriff, or law enforcement officer is~~  
18       ~~engaging in undercover operations; provided further that under~~  
19       ~~no circumstances shall sexual contact initiated by a member of a~~  
20       ~~police department, sheriff, or law enforcement officer; sexual~~



1 ~~penetration; or sadomasochistic abuse be considered to fall~~  
2 ~~within the course and scope of duties."]~~

3 SECTION 14. Section 712-1203, Hawaii Revised Statutes, is  
4 repealed.

5 [~~"§712-1203 Promoting prostitution. (1) A person commits~~  
6 ~~the offense of promoting prostitution if the person knowingly~~  
7 ~~advances or profits from prostitution.~~

8 ~~(2) Promoting prostitution is a class B felony."]~~

9 SECTION 15. Section 712-1206, Hawaii Revised Statutes, is  
10 repealed.

11 [~~"[§712-1206] Loitering for the purpose of engaging in or~~  
12 ~~advancing prostitution. (1) For the purposes of this section,~~  
13 ~~"public place" means any street, sidewalk, bridge, alley or~~  
14 ~~alleyway, plaza, park, driveway, parking lot or transportation~~  
15 ~~facility or the doorways and entrance ways to any building which~~  
16 ~~fronts on any of the aforesaid places, or a motor vehicle in or~~  
17 ~~on any such place.~~

18 ~~(2) Any person who remains or wanders about in a public~~  
19 ~~place and repeatedly beckons to or repeatedly stops, or~~  
20 ~~repeatedly attempts to stop, or repeatedly attempts to engage~~  
21 ~~passers by in conversation, or repeatedly stops or attempts to~~





1 ~~stop motor vehicles, or repeatedly interferes with the free~~  
2 ~~passage of other persons for the purpose of committing the crime~~  
3 ~~of prostitution as that term is defined in section 712-1200,~~  
4 ~~shall be guilty of a violation.~~

5 ~~(3) Any person who remains or wanders about in a public~~  
6 ~~place and repeatedly beckons to, or repeatedly stops, or~~  
7 ~~repeatedly attempts to engage passers-by in conversation, or~~  
8 ~~repeatedly stops or attempts to stop motor vehicles, or~~  
9 ~~repeatedly interferes with the free passage of other persons for~~  
10 ~~the purpose of committing the crime of advancing prostitution as~~  
11 ~~that term is defined in section 712-1201(1) is guilty of a petty~~  
12 ~~misdemeanor." ]~~

13 SECTION 16. Section 712-1207, Hawaii Revised Statutes, is  
14 repealed.

15 [~~§712-1207 Street prostitution and commercial sexual~~  
16 ~~exploitation; designated areas. (1) It shall be unlawful for~~  
17 ~~any person within the boundaries of Waikiki and while on any~~  
18 ~~public property to:~~

19 ~~(a) Offer or agree to engage in sexual conduct with~~  
20 ~~another person in return for a fee or anything of~~  
21 ~~value; or~~



1       ~~(b) Provide, agree to provide, or offer to provide a fee~~  
2           ~~or anything of value to another person to engage in~~  
3           ~~sexual conduct.~~

4       ~~(2) It shall be unlawful for any person within the~~  
5 ~~boundaries of other areas in this State designated by county~~  
6 ~~ordinance pursuant to subsection (3), and while on any public~~  
7 ~~property to:~~

8       ~~(a) Offer or agree to engage in sexual conduct with~~  
9           ~~another person in return for a fee or anything of~~  
10          ~~value; or~~

11       ~~(b) Provide, agree to provide, or offer to provide a fee~~  
12           ~~or anything of value to another person to engage in~~  
13           ~~sexual conduct.~~

14       ~~(3) Upon a recommendation of the chief of police of a~~  
15 ~~county, that county may enact an ordinance that:~~

16       ~~(a) Designates areas, each no larger than three square~~  
17           ~~miles, as zones of significant prostitution-related~~  
18           ~~activity that is detrimental to the health, safety, or~~  
19           ~~welfare of the general public; or~~

20       ~~(b) Alters the boundaries of any existing area under~~  
21           ~~paragraph (a);~~



1 ~~provided that not more than four areas may be designated within~~  
2 ~~the State.~~

3 ~~(4) Notwithstanding any law to the contrary, any person~~  
4 ~~violating this section shall be guilty of a petty misdemeanor~~  
5 ~~and shall be sentenced to a mandatory term of thirty days~~  
6 ~~imprisonment. The term of imprisonment shall be imposed~~  
7 ~~immediately, regardless of whether the defendant appeals the~~  
8 ~~conviction, except as provided in subsection (5).~~

9 ~~(5) As an option to the mandatory term of thirty days~~  
10 ~~imprisonment, if the court finds the option is warranted based~~  
11 ~~upon the defendant's record, the court may place the defendant~~  
12 ~~on probation for a period not to exceed six months, subject to~~  
13 ~~the mandatory condition that the defendant observe geographic~~  
14 ~~restrictions that prohibit the defendant from entering or~~  
15 ~~remaining on public property, in Waikiki and other areas in the~~  
16 ~~State designated by county ordinance during the hours from 6~~  
17 ~~p.m. to 6 a.m. Upon any violation of the geographic~~  
18 ~~restrictions by the defendant, the court, after hearing, shall~~  
19 ~~revoke the defendant's probation and immediately impose the~~  
20 ~~mandatory thirty-day term of imprisonment. Nothing contained in~~



1 ~~this subsection shall be construed as prohibiting the imposition~~  
2 ~~of stricter geographic restrictions under section 706-624(2)(h).~~

3 ~~(6) Any person charged under this section may be admitted~~  
4 ~~to bail, pursuant to section 804-4, subject to the mandatory~~  
5 ~~condition that the person observe geographic restrictions that~~  
6 ~~prohibit the defendant from entering or remaining on public~~  
7 ~~property, in Waikiki and other areas in the State designated by~~  
8 ~~county ordinance during the hours from 6 p.m. to 6 a.m.~~

9 ~~Notwithstanding any other provision of law to the contrary, any~~  
10 ~~person who violates these bail restrictions shall have the~~  
11 ~~person's bail revoked after hearing and shall be imprisoned~~  
12 ~~forthwith. Nothing contained in this subsection shall be~~  
13 ~~construed as prohibiting the imposition of stricter geographic~~  
14 ~~restrictions under section 804-7.1.~~

15 ~~(7) Notwithstanding any other law to the contrary, a~~  
16 ~~police officer, without warrant, may arrest any person when the~~  
17 ~~officer has probable cause to believe that the person has~~  
18 ~~committed a violation of subsection (5) or (6), and the person~~  
19 ~~shall be detained, without bail, until the hearing under the~~  
20 ~~appropriate subsection can be held, which hearing shall be held~~  
21 ~~as soon as reasonably practicable.~~



1 ~~(8) For purposes of this section:~~

2 ~~"Area" means any zone within a county that is defined with~~  
3 ~~specific boundaries and designated as a zone of significant~~  
4 ~~prostitution by this section or a county ordinance.~~

5 ~~"Public property" includes any street, highway, road,~~  
6 ~~sidewalk, alley, lane, bridge, parking lot, park, or other~~  
7 ~~property owned or under the jurisdiction of any governmental~~  
8 ~~entity or otherwise open to the public.~~

9 ~~"Sexual conduct" has the same meaning as in section~~  
10 ~~712-1200(2).~~

11 ~~"Waikiki" means that area of Oahu bounded by the Ala Wai~~  
12 ~~canal, the ocean, and Kapahulu avenue.~~

13 ~~(9) This section shall apply to all counties; provided~~  
14 ~~that if a county enacts an ordinance to regulate street~~  
15 ~~prostitution and commercial sexual exploitation, other than an~~  
16 ~~ordinance designating an area as a zone of significant~~  
17 ~~prostitution-related activity, the county ordinance shall~~  
18 ~~supersede this section and no person shall be convicted under~~  
19 ~~this section in that county." ]~~

20 SECTION 17. Section 712-1208, Hawaii Revised Statutes, is  
21 repealed.



1           ~~["§712-1208] Promoting travel for prostitution. (1) A~~  
2 ~~person commits the offense of promoting travel for prostitution~~  
3 ~~if the person knowingly sells or offers to sell travel services~~  
4 ~~that include or facilitate travel for the purpose of engaging in~~  
5 ~~what would be prostitution if occurring in the State.~~

6           ~~(2) "Travel services" has the same meaning as in section~~  
7 ~~468L-1.~~

8           ~~(3) Promoting travel for prostitution is a class C~~  
9 ~~felony." ]~~

10           SECTION 18. Section 712-1209, Hawaii Revised Statutes, is  
11 repealed.

12           ~~["§712-1209 Commercial sexual exploitation near schools or~~  
13 ~~public parks. (1) A person commits the offense of commercial~~  
14 ~~sexual exploitation near schools or public parks if, within~~  
15 ~~seven hundred fifty feet of a school or public park, the person~~  
16 ~~provides, agrees to provide, or offers to provide a fee or~~  
17 ~~anything of value to another person to engage in sexual conduct.~~

18           ~~(2) Commercial sexual exploitation near schools or public~~  
19 ~~parks is a misdemeanor.~~

20           ~~(3) For purposes of this section:~~

21           ~~"School" has the same meaning as in section 712-1249.6(6).~~



1       ~~"Sexual conduct" has the same meaning as in section~~  
2 ~~712-1200(2)."]~~

3       SECTION 19. Section 712-1209.5, Hawaii Revised Statutes,  
4 is repealed.

5       ~~["§712-1209.5 Habitual commercial sexual exploitation.~~

6 ~~(1) A person commits the offense of habitual commercial sexual~~  
7 ~~exploitation if the person is a habitual commercial sexual~~  
8 ~~exploitation offender and provides, agrees to provide, or offers~~  
9 ~~to provide a fee or anything of value to another person to~~  
10 ~~engage in sexual conduct.~~

11       ~~(2) For the purposes of this section, a person has the~~  
12 ~~status of a "habitual commercial sexual exploitation offender"~~  
13 ~~if the person, at the time of the conduct for which the person~~  
14 ~~is charged, had two or more convictions within ten years of the~~  
15 ~~instant offense for:~~

16       ~~(a) Commercial sexual exploitation, in violation of~~  
17       ~~section 712-1200.5;~~

18       ~~(b) Street prostitution and commercial sexual~~  
19       ~~exploitation, in violation of section 712-1207(1)(b)~~  
20       ~~or (2)(b);~~



1       ~~(c) Habitual commercial sexual exploitation, in violation~~  
2           ~~of this section;~~

3       ~~(d) An offense of this jurisdiction or any other~~  
4           ~~jurisdiction that is comparable to one of the offenses~~  
5           ~~in paragraph (a), (b), or (c); or~~

6       ~~(e) Any combination of the offenses in paragraph (a), (b),~~  
7           ~~(c), or (d).~~

8       ~~A conviction for purposes of this section is a judgment on the~~  
9       ~~verdict or a finding of guilt, or a plea of guilty or nolo~~  
10       ~~contendere. The convictions shall have occurred on separate~~  
11       ~~dates and be for separate incidents on separate dates. At the~~  
12       ~~time of the instant offense, the conviction shall not have been~~  
13       ~~expunged by pardon, reversed, or set aside.~~

14       ~~(3) Habitual commercial sexual exploitation is a class C~~  
15       ~~felony." ]~~

16       SECTION 20. Section 712-1209.6, Hawaii Revised Statutes,  
17       is repealed.

18       ~~["§712-1209.6 Prostitution; motion to vacate conviction.~~

19       ~~(1) A person convicted of committing the offense of~~  
20       ~~prostitution under section 712-1200, loitering for the purpose~~  
21       ~~of engaging in or advancing prostitution under section~~





1 ~~712-1206(2), street prostitution and commercial sexual~~  
2 ~~exploitation in designated areas under section 712-1207(1)(a) or~~  
3 ~~(2)(a), or convicted of a lesser offense when originally charged~~  
4 ~~with a violation of section 712-1200, 712-1206(2), or 712-~~  
5 ~~1207(1)(a) or (2)(a), may file a motion to vacate the conviction~~  
6 ~~if the defendant is not subsequently convicted of any offense~~  
7 ~~under the Hawaii Penal Code within three years after the date of~~  
8 ~~the original conviction.~~

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

18 PART II

19 SECTION 21. The purpose of this part is to increase the  
20 civil remedies of sex trafficking victims.



1 SECTION 22. Section 663J-3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§663J-3 Cause of action for coercion into prostitution or**  
4 **sex trafficking.** (a) An individual has a cause of action

5 against a person who:

6 (1) Coerced the individual into prostitution or to remain  
7 in prostitution, or subjected the individual to sex  
8 trafficking;

9 (2) Used coercion to collect or receive any of the  
10 individual's earnings derived from prostitution or  
11 from being the subject of sex trafficking; or

12 (3) Hired, or attempted to hire the individual to engage  
13 in prostitution, when a reasonable person would  
14 believe that the individual was coerced into  
15 prostitution by another person or was being subjected  
16 to sex trafficking.

17 (b) The attorney general may assist or represent an  
18 individual in a cause of pursuant to this chapter."

19 SECTION 23. Section 663J-5, Hawaii Revised Statutes, is  
20 amended to read as follows:



1       "**§663J-5 Damages.** (a) An individual entitled to bring an  
2 action under section 663J-3 may recover all of the following  
3 damages:

4           (1) Economic damages proximately caused by coercion into  
5 prostitution or being the subject of sex trafficking;

6           (2) Noneconomic damages proximately caused by coercion  
7 into prostitution or being the subject of sex  
8 trafficking;

9           (3) Exemplary damages;

10          (4) Reasonable attorney's fees; and

11          (5) Costs of suit, including reasonable expenses for  
12 expert testimony.

13          (b) Subject to agreement by the attorney general, the  
14 court may order that any monetary damages awarded pursuant to  
15 this section be paid from the general fund in an amount not to  
16 exceed the criminal fines paid by the defendant for any criminal  
17 conviction of the defendant who trafficked the individual  
18 entitled to bring action under section 663J-3 if the individual  
19 entitled to bring action under section 663J-3 previously agreed  
20 to provide evidence leading to the conviction of the defendant.



1        (b) Subject to agreement by the attorney general, the  
2 court may order that any assets of the defendant seized by the  
3 State related to any criminal conviction of the defendant who  
4 trafficked the individual entitled to bring action under section  
5 663J-3 be awarded to the individual entitled to bring action  
6 under section 663J-3."

7        SECTION 24. Section 663J-7, Hawaii Revised Statutes, is  
8 amended to read as follows:

9        "**§663J-7 Statute of limitations.** [~~+(a)~~] A claim under  
10 this chapter may [~~not~~] be brought against a person [~~more than~~  
11 ~~six years~~] at any time after an act of promoting prostitution by  
12 coercion or sex trafficking by that person.

13        [~~(b) The limitation period provided for in this chapter is~~  
14 ~~tolled:~~

15        ~~(1) During the minority of the individual who engages in~~  
16        ~~prostitution; or~~

17        ~~(2) Any time there is a criminal offense investigation~~  
18        ~~being actively conducted against the defendant by a~~  
19        ~~governmental agency or there is a criminal offense~~  
20        ~~charge, information, or indictment pending against the~~  
21        ~~defendant.] "~~



1 PART III

2 SECTION 25. The attorney general shall require the  
3 prosecutor of the applicable county to file a written motion or  
4 application with the court of competent jurisdiction requesting  
5 the court to expunge the conviction of each currently living  
6 person previously convicted under section 712-1200, 712-1200.5,  
7 712-1203, 712-1206, 712-1207, 712-1208, 712-1209, or 712-1209.5,  
8 Hawaii Revised Statutes.

9 SECTION 26. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$ or so much  
11 thereof as may be necessary for fiscal year 2023-2024 and the  
12 same sum or so much thereof as may be necessary for fiscal year  
13 2024-2025 for the county prosecutors to file written motions or  
14 applications pursuant to this part. The sums appropriated shall  
15 be distributed as follows:

- 16 County of Hawaii \$
- 17 County of Kauai \$
- 18 County of Maui \$
- 19 City and county of Honolulu \$

20 The sums appropriated shall be expended by the respective  
21 counties for the purposes of this part.



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PART IV

SECTION 27. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 28. This Act shall take effect upon its approval; provided that:

- (1) The amendments made to section 853-4, Hawaii Revised Statutes, shall not be repealed when that section is repealed and reenacted on June 30, 2026, by Act 19, Session Laws of Hawaii 2020; and
- (2) Section 26 of this Act shall take effect on July 1, 2023.

INTRODUCED BY: Carol Fuemasa



# S.B. NO. 1204

**Report Title:**

Prostitution; Criminal; Decriminalization; Attorney General;  
Prosecutor; Appropriation

**Description:**

Decriminalizes prostitution. Increases the rights for victims of sex trafficking. Requires the county prosecutors to file motions or applications to expunge certain prostitution convictions. Appropriates moneys.

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

