

ACT 14

H.B. NO. 2517

A Bill for an Act Relating to the Promotion of Prostitution.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the corroboration requirement in section 712-1205, Hawaii Revised Statutes, is an archaic and unnecessary impediment to the prosecution of persons who “advance” or “profit from” prostitution. Specifically, section 712-1205 prohibits the conviction of a person for promoting prostitution solely upon the uncorroborated testimony of a person whose prostitution activity the former person is alleged to have advanced, or from whose prostitution activity the former person is alleged to have profited. The commentary to section 712-1205, which was part of the original 1972 statute, states that relying solely on the uncorroborated testimony of a prostitute presents “grave risks”.

The legislature also finds that there is no corroboration requirement for cases in which prosecutions are based upon the testimony of accomplices, drug dealers, and other criminals. Consequently, section 712-1205 sets out one class of criminals for favorable treatment. The substantive criminal law, which requires proof beyond a reasonable doubt, and the criminal procedure law, which affords the defense the opportunity to have the sufficiency of the prosecution’s evidence tested by the court pursuant to a motion for judgment of acquittal, are adequate to guard against the conviction of innocent persons.

SECTION 2. Section 712-1205, Hawaii Revised Statutes, is repealed.

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 4. Statutory material to be repealed is bracketed.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved April 22, 1996.)

Note

1. Edited pursuant to HRS §23G-16.5.