

Honolulu, Hawaii

MAY 01 2012

RE: S.B. No. 2576
S.D. 1
H.D. 3
C.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2576, S.D. 1, H.D. 3, entitled:

"A BILL FOR AN ACT RELATING TO PROSTITUTION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Authorize a person convicted of committing the offense of prostitution to file a motion to vacate the conviction under certain circumstances;
- (2) Establish procedures for the motion to vacate judgment;
and
- (3) Increase the mandatory fines for the offense of prostitution.



Your Committee on Conference finds that human trafficking, consisting of the subjugation, recruitment, harboring, or transportation of people for the purpose of forced labor or services, or commercial sexual exploitation, is one of the fastest growing criminal industries. This measure assists in combating human trafficking by allowing trafficking victims who were forced into prostitution to file a motion to have their prostitution convictions vacated from their records.

Your Committee on Conference has amended this measure by:

- (1) Changing references from motion to vacate judgment to motion to vacate conviction;
- (2) Adding language to require that the filed motion to vacate a prostitution conviction shall be subject to the review and written approval of the state agency or county prosecutor responsible for prosecuting the offense that is the subject of the motion to vacate conviction;
- (3) Deleting language that requires official documentation of the defendant's status as a victim of trafficking or severe form of trafficking to create a presumption that the defendant's participation in prostitution was a result of being a victim of trafficking;
- (4) Deleting the definition for "official documentation";
- (5) Amending the language in section 712-1200(4), Hawaii Revised Statutes, that established a mandatory fine of \$1,000 for the commission of the first and any subsequent offense of prostitution to establish instead a minimum fine of \$500 for the commission of the first and any subsequent offense of prostitution;
- (6) Changing the effective date to July 1, 2012; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

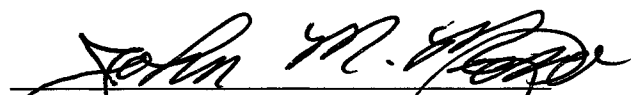
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2576, S.D. 1, H.D. 3, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2576, S.D. 1, H.D. 3, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE




JOHN M. MIZUNO, Co-Chair



CLAYTON HEFT, Chair



GILBERT KEITH-AGARAN, Co-Chair



MAILE SHIMABUKURO, Co-Chair



SHARON E. HAR, Co-Chair



Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 2576, SD 1, HD 3	Date/Time: 4/27/2012 5:30pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

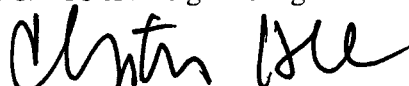

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	/	/			MIZUNO, John M., Co-Chr.	/	/		
SHIMABUKURO, Maile S.L., Co-Chr.	/				KEITH-AGARAN, Gilbert S.C., Co-Chr.	/	/		
SLOM, Sam				/	HAR, Sharon E., Co-Chr.	/	/		
					JORDAN, Jo	/			/
					PINE, Kimberly Marcos	/			
TOTAL	2			1	TOTAL	4			1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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