

JAN 18 2013

A BILL FOR AN ACT

RELATING TO PROSTITUTION.

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

1 SECTION 1. Chapter 712, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§712- Solicitation of a minor for prostitution. (1) A
5 person commits the offense of solicitation of a minor for
6 prostitution if the person offers or agrees to pay a fee to a
7 minor to engage in sexual conduct.

8 (2) Solicitation of a minor for prostitution is a class C
9 felony.

10 (3) A person convicted of committing the offense of
11 solicitation of a minor for prostitution shall be imposed a fine
12 of not less than \$2,000; provided that \$2,000 of the imposed
13 fine shall be credited to the general fund.

14 (4) For purposes of this section:

15 "Minor" means a person who is less than eighteen years of
16 age.

17 "Sexual conduct" has the same meaning as in section 712-
18 1200(2)."



1 SECTION 2. Section 663J-7, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) A claim under this chapter may not be brought against
4 a person more than [~~two~~] six years after an act of promoting
5 prostitution by coercion by that person."

6 SECTION 3. Section 712-1200, Hawaii Revised Statutes, is
7 amended by amending subsection (4) to read as follows:

8 "(4) A person convicted of committing the offense of
9 prostitution shall be sentenced as follows:

10 (a) For the first offense, when the court has not deferred
11 further proceedings pursuant to chapter 853, a
12 [~~minimum~~] fine of not less than \$500 but not more than
13 \$1,000 and the person may be sentenced to a term of
14 imprisonment of not more than thirty days or
15 probation; provided that in the event the convicted
16 person defaults in payment of the [~~\$500~~] fine, and the
17 default was not contumacious, the court may sentence
18 the person to perform services for the community as
19 authorized by section 706-605(1).

20 (b) For any subsequent offense, a [~~minimum~~] fine of not
21 less than \$500 but not more than \$1,000 and a term of
22 imprisonment of thirty days or probation, without



1 possibility of deferral of further proceedings
2 pursuant to chapter 853 and without possibility of
3 suspension of sentence.

4 (c) For the purpose of this subsection, if the court has
5 deferred further proceedings pursuant to chapter 853,
6 and notwithstanding any provision of chapter 853 to
7 the contrary, the defendant shall not be eligible to
8 apply for expungement pursuant to section 831-3.2
9 until four years following discharge. A plea
10 previously entered by a defendant under section 853-1
11 for a violation of this section shall be considered a
12 prior offense. When the court has ordered a sentence
13 of probation, the court may impose as a condition of
14 probation that the defendant complete a course of
15 prostitution intervention classes; provided that the
16 court may only impose such condition for one term of
17 probation."

18 SECTION 4. Section 712A-4, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§712A-4 **Covered offenses.** Offenses for which property is
21 subject to forfeiture under this chapter are:

22 (a) All offenses that specifically authorize forfeiture;



- 1 (b) Murder, kidnapping, labor trafficking, gambling,
2 criminal property damage, robbery, bribery, extortion,
3 theft, unauthorized entry into motor vehicle,
4 burglary, money laundering, trademark counterfeiting,
5 insurance fraud, promoting a dangerous, harmful, or
6 detrimental drug, commercial promotion of marijuana,
7 methamphetamine trafficking, manufacturing of a
8 controlled substance with a child present, promoting
9 child abuse, promoting prostitution, solicitation of a
10 minor for prostitution, habitual solicitation of
11 prostitution, or electronic enticement of a child that
12 is chargeable as a felony offense under state law;
- 13 (c) The manufacture, sale, or distribution of a controlled
14 substance in violation of chapter 329, promoting
15 detrimental drugs or intoxicating compounds, promoting
16 pornography, promoting pornography for minors, or
17 [~~promoting prostitution,~~] solicitation of prostitution
18 near schools or public parks, which is chargeable as a
19 felony or misdemeanor offense, but not as a petty
20 misdemeanor, under state law; and



1 (d) The attempt, conspiracy, solicitation, coercion, or
2 intimidation of another to commit any offense for
3 which property is subject to forfeiture."

4 SECTION 5. Section 846E-1, Hawaii Revised Statutes, is
5 amended by amending the definition of "sexual offense" to read
6 as follows:

7 "Sexual offense" means an offense that is:

8 (1) Set forth in section 707-730(1)(a), 707-730(1)(b),
9 707-730(1)(c), 707-730(1)(d) or (e), 707-731(1)(a),
10 707-731(1)(b), 707-731(1)(c), 707-732(1)(a),
11 707-732(1)(b), 707-732(1)(c), 707-732(1)(d),
12 707-732(1)(e), 707-732(1)(f), 707-733(1)(a),
13 707-733.6, 712-1202(1)(a), 712-1202(1)(b), or
14 712-1203(1), but excludes conduct that is criminal
15 only because of the age of the victim, as provided in
16 section 707-730(1)(b), or section 707-732(1)(b) if the
17 perpetrator is under the age of eighteen;

18 (2) An act defined in section 707-720 if the charging
19 document for the offense for which there has been a
20 conviction alleged intent to subject the victim to a
21 sexual offense;

22 (3) An act that consists of:



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- 1 (A) Criminal sexual conduct toward a minor, including
- 2 but not limited to an offense set forth in
- 3 section 707-759;
- 4 (B) Solicitation of a minor who is less than fourteen
- 5 years old to engage in sexual conduct;
- 6 (C) Use of a minor in a sexual performance;
- 7 (D) Production, distribution, or possession of child
- 8 pornography chargeable as a felony under section
- 9 707-750, 707-751, or 707-752;
- 10 (E) Electronic enticement of a child chargeable under
- 11 section 707-756 or 707-757 if the offense was
- 12 committed with the intent to promote or
- 13 facilitate the commission of another covered
- 14 offense as defined in this section; or
- 15 (F) Solicitation of a minor [~~to practice~~] for
- 16 prostitution[+] in violation of section 712- ;
- 17 (4) A violation of privacy under section 711-1110.9;
- 18 (5) A criminal offense that is comparable to or that
- 19 exceeds a sexual offense as defined in paragraphs (1)
- 20 through (4) or any federal, military, or out-of-state
- 21 conviction for any offense that under the laws of this



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1 State would be a sexual offense as defined in
 2 paragraphs (1) through (4); or
 3 (6) An act, as described in chapter 705, that is an
 4 attempt, criminal solicitation, or criminal conspiracy
 5 to commit one of the offenses designated in paragraphs
 6 (1) through (5)."

7 SECTION 6. This Act does not affect rights and duties that
 8 matured, penalties that were incurred, and proceedings that were
 9 begun before its effective date.

10 SECTION 7. Statutory material to be repealed is bracketed
 11 and stricken. New statutory material is underscored.

12 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY: Shoanne Chun Oatland

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S.B. NO. 192

Report Title:

Prostitution; Minors; Offenses; Statute of Limitations;
Forfeiture; Sex Offender Registry

Description:

Makes solicitation of a minor for prostitution a crime. Increases the statute of limitations to bring a cause of action for coercion into prostitution from two to six years. Clarifies the minimum and maximum fine for a person convicted of committing the offense of prostitution. Adds the offenses of solicitation of a minor for prostitution, habitual solicitation of prostitution, and solicitation of prostitution near schools and public parks under the State's forfeiture laws. Amends the definition of "sexual offense" under the sexual offender registry laws to include acts that consist of the solicitation of a minor who is less than eighteen years of age for prostitution.

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

