

Honolulu, Hawaii
February 27, 2014

RE: H.B. No. 1926
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1926 entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this measure is to amend various provisions of the Hawaii Penal Code. Specifically, this measure:

- (1) Allows compensation from the Crime Victim Compensation Commission for victims of Labor Trafficking in the First Degree and Promoting Prostitution in the First Degree;
- (2) Adds sadomasochistic abuse as an element of the offense of Prostitution;
- (3) Limits the law enforcement exemption from the offense of Prostitution to exclude acts involving sexual penetration or sadomasochistic abuse;
- (4) Amends the offense of Solicitation of a Minor for Prostitution by:
 - (A) Including solicitation of a person who represents that person's self as a minor;
 - (B) Increasing the mandatory fines for those convicted under the offense;



- (C) Providing a law enforcement exemption; and
- (D) Making it a strict liability offense;
- (5) Clarifies sentencing for repeat offenders and enhanced sentencing for violent and sexual offenses; and
- (6) Makes Solicitation of a Minor for Prostitution ineligible for deferred acceptance of guilty or no contest plea.

The Hawaii State Commission on the Status of Women, Office of the Prosecuting Attorney of the County of Kauai, Hawaii Family Forum, Hawaii Catholic Conference, Pacific Alliance to Stop Slavery, Courage Worldwide Hawaii, Courage House Hawaii, and numerous concerned individuals testified in support of this measure. The Honolulu Police Department testified in opposition to this bill. The Crime Victim Compensation Commission, Office of the Public Defender, Department of the Prosecuting Attorney of the City and County of Honolulu, IMUAlliance, and one concerned individual provided comments.

Your Committee has amended this measure by:

- (1) Deleting provisions that added Labor Trafficking in the First Degree and Promoting Prostitution in the First Degree to the list of offenses for which a victim may receive compensation from the Crime Victim Compensation Commission;
- (2) Deleting the proposed limitation on the law enforcement exemption for Prostitution offenses;
- (3) Deleting provisions that would have required mandatory minimum sentences for repeated convictions of Solicitation of a Minor for Prostitution and Habitual Solicitation of Prostitution;
- (4) Exempting a person convicted of the offense of Solicitation of a Minor for Prostitution from registration with the Hawaii Sex Offender Registry if the person was not more than two years older than the minor at the time of the offense; and



- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1926, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1926, H.D. 1, and be placed on the calendar for Third Reading.

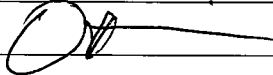
Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1926	Committee Referral: JUD	Date: 2/20/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. HAR, Sharon E. (VC)				/
3. BELATTI, Della Au	/			
4. BROWER, Tom	/			
5. CREAGAN, Richard	/			
6. ITO, Ken				/
7. KAWAKAMI, Derek S.K.	/			
8. LEE, Chris				/
9. NAKASHIMA, Mark M.	/			
10. TSUJI, Chit	/			
11. WOOLEY, Jessica				/
12. MCDERMOTT, Bob	/			
13. THIELEN, Cynthia				/
TOTAL (13)	8			5
The recommendation is:	<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)			
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				