

Honolulu, Hawaii

APR 25 2019

RE: S.B. No. 1039
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
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. 1039, H.D. 1, 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) Decrease the period of time that a person is required to wait before expunging a deferred plea to a prostitution charge; and
- (2) Permit persons convicted of certain prostitution offenses to file a motion to vacate the conviction if the defendant is not convicted of another offense under the penal code within three years of the original prostitution conviction.



Your Committee on Conference finds that sex trafficking victims are often misidentified and criminalized by law enforcement and that, although the existing law allows sex trafficking victims to vacate prostitution convictions within six years from the time that victimization ceased, such persons may face significant challenges in disclosing and proving victimization. Furthermore, your Committee on Conference notes that persons who have been convicted under sections 712-1200(1)(a), 712-1206(2), 712-1207(1)(a), and 712-1207(1)(b), Hawaii Revised Statutes, regardless of whether or not they have been or can allege that they were victims of sex trafficking, should be able to vacate their convictions after a reasonable period of three years from the date of conviction; provided that these persons have maintained a clean record free of convictions under the Penal Code during that period of time.

Your Committee on Conference has amended this measure by:

- (1) Making it effective upon approval; and
- (2) 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. 1039, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1039, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



CHRIS LEE
Chair



KARL RHOADS
Chair



**Record of Votes of a
Conference Committee**

Bill / Concurrent Resolution No.: SB 1039, HD 1	Date/Time: 4/23/19 3:11 pm
---	-----------------------------------

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.
---	---

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
RHOADS, Karl, Chr.	✓				LEE, Chris, Chr.	✓			
GABBARD, Mike				✓	MORIKAWA, Dee	✓			
KIM, Donna Mercado	✓				SAN BUENAVENTURA, Joy A.				✓
FEVELLA, Kurt	✓				WILDBERGER, Tina	✓			
					THIELEN, Cynthia	✓			
TOTAL	3	-	-	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
---	--

Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
--	---

Distribution: **Original** **Yellow** **Pink** **Goldenrod**
 File with Conference Committee Report House Clerk's Office Senate Clerk's Office Drafting Agency