

STAND. COM. REP. NO.

786

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 1039

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1039 entitled:

"A BILL FOR AN ACT RELATING TO PROSTITUTION,"

begs leave to report as follows:

The purpose and intent of this measure is to 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 received testimony in support of this measure from the Office of the Prosecuting Attorney of the County of Kaua'i, Hawai'i State Commission on the Status of Women, LGBT Caucus of the Democratic Party of Hawaii, American Association of University Women of Hawaii, Harm Reduction Hawaii, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and IMUAlliance. Your Committee received comments on this measure from The Sex Abuse Treatment Center.

Your Committee finds that sex trafficking victims are often misidentified and criminalized by law enforcement. The existing law in Hawaii allows for sex trafficking victims to vacate prostitution convictions with proven victimization at any time



within six years. However, trafficking victims face significant challenges to disclose and prove their victimization. This measure allows trafficking victims to vacate certain prostitution convictions, without proof of victimization, if the defendant is not convicted of any other prostitution offenses within three years following the original prostitution conviction. By clearing a trafficking victim's criminal record, this measure would help victims reintegrate into society, find non-exploitative employment, bring about substantial cultural reform, and send a strong message that a person's participation in prostitution is often complex and should not bar access to resources, safety, and compassion.

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 S.B. No. 1039 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* <i>SB 1039</i>	Committee Referral: <i>JDC</i>	Date: <i>2/22/19</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
WAKAI, Glenn (VC)				/
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes