

Honolulu, Hawaii

APR 22 , 2021

RE: H.B. No. 887
H.D. 1
S.D. 2
C.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 887, H.D. 1, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

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) Create a separate commercial sexual exploitation offense for those who provide anything of value to engage in sexual conduct with another;
- (2) Specify that the offense of sex trafficking may be prosecuted at any time;



- (3) Specify that sex trafficking includes advancing or profiting from prostitution by certain means, including through coercion;
- (4) Make a person strictly liable for sex trafficking of a minor in terms of the victim's age;
- (5) Rename offenses involving the solicitation of prostitution to use the more appropriate term of commercial sexual exploitation;
- (6) Amend the elements for commission of the offense of commercial sexual exploitation of a minor and increase the grade of offense to a class B felony;
- (7) Include anything of value as a type of compensation for purposes of engaging in prostitution or other offenses involving commercial sexual exploitation; and
- (8) Clarify the exemption from commercial sexual exploitation and prostitution-related offenses for law enforcement officers acting in the course and scope of duties.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that the definition of "sexual offense" under the Registration of Sex Offenders and Other Covered Offenders and Public Access to Registration Information Chapter applies to persons who commit the offense of commercial sexual exploitation in reckless disregard of the fact that the person exploited is a victim of sex trafficking, rather than petty misdemeanor commercial sexual exploitation offenders;
- (2) Clarifying that the state of mind requirement for the offense of commercial sexual exploitation is not applicable to the fact that the victim was a minor if the person provides anything of value to a minor or third person as compensation for having engaged in sexual conduct with a minor, rather than if the person offers or agrees to provide anything of value to a member of a police department, a sheriff, or a law enforcement officer who represents that person's self as a minor to engage in sexual conduct; and




- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 H.B. No. 887, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 887, H.D. 1, S.D. 2, C.D. 1.


Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



JOY A. SAN BUENAVENTURA
Chair



KARL RHOADS
Co-Chair



MARK M. NAKASHIMA
Chair



Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 887, HD 1, SD 2	Date/Time: 4/21/21 4:32 PM
--	-----------------------------------

The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

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
SAN BUENAVENTURA, Joy A., Chr.	X				NAKASHIMA, Mark M., Chr.	X			
RHOADS, Karl, Co-Chr.	X				MATAYOSHI, Scot Z.	X			
MISALUCHA, Bennette E.	X				WARD, Gene	X			
TOTAL	3	0	0	0	TOTAL	3	0	0	0

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

Senate Recommendation is:
 Adopted Not Adopted

House Recommendation is:
 Adopted 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