

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii  
Sir:

Your Committee on Judiciary, to which was referred H.B. No. 486 entitled:

"A BILL FOR AN ACT RELATING TO PROSTITUTION,"

begs leave to report as follows:

The purpose 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 Hawaii Penal Code within three years of the prostitution offense and without regard to the defendant's status as a victim of trafficking or promoting prostitution.

The Hawai'i State Commission on the Status of Women, County of Kaua'i Office of the Prosecuting Attorney, LGBT Caucus of the Democratic Party of Hawaii, IMU Alliance, Harm Reduction Hawaii, Hawaii Women's Coalition, American Association of University Women of Hawaii, Aloha State Association of the Deaf, Save Medicaid Hawaii, and several individuals testified in support of this measure. The City and County of Honolulu Department of the Prosecuting Attorney testified in opposition to this measure. The Sex Abuse Treatment Center provided comments.

Your Committee has amended this measure by:

- (1) Removing the criminal statute of limitations for sex trafficking and promoting prostitution;
- (2) Exempting minors from criminal liability for prostitution;
- (3) Establishing minimum criminal and regulatory penalties for prostitution, sex trafficking, and promoting travel for prostitution;
- (4) Incorporating the offense of solicitation of a minor for prostitution into the offense of sex trafficking, which is a class A felony;
- (5) Reducing the state of mind requirement for the offense of promoting prostitution;
- (6) Repealing the offense of street solicitation of prostitution;
- (7) Changing its effective date to January 28, 2081; and
- (8) 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. 486, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 486, H.D. 1, and be placed on the calendar for Third Reading.

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

---

CHRIS LEE, Chair