

CONFERENCE COMMITTEE REP. NO. 47

Honolulu, Hawaii

, 2021

RE: S.B. No. 764
S.D. 1
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii
Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
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. 764, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING,"

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 add a permanent commercial driver's license disqualification for a holder of a commercial driver's license or commercial learner's permit who is convicted of a felony involving a severe form of trafficking in persons.

Your Committee on Conference finds that on July 23, 2019, the Federal Motor Carrier Safety Administration of the United States Department of Transportation issued a final rule that provides that drivers who are convicted of a felony involving severe forms of trafficking in persons while operating a commercial motor vehicle for which a commercial driver's license or commercial learner's permit is required are permanently banned from holding the license or permit without the possibility of reinstatement. Your Committee on Conference further finds that this final rule requires states to achieve substantial compliance within three years of the final rule's effective date to avoid certain penalties. Accordingly, this measure brings Hawaii into compliance with the federal rule.

Your Committee on Conference notes that the S.D. 1 version of this measure specifies the definition for the term "severe forms of trafficking in persons", rather than providing a citation for the definition in the corresponding federal rule. The language in the S.D. 1 is therefore preferable for purposes of clarity.

Your Committee on Conference has amended this measure by reverting its contents to the S.D. 1 version and further amending it by:

(1) Deleting language that would have inserted the definition of "severe forms of trafficking in persons" into section 286-2, Hawaii Revised Statutes, and instead inserting it into section 286-240, Hawaii Revised Statutes;

(2) Inserting a definition for the term "commercial sex act"; and

(3) 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. 764, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 764, S.D. 1, 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

AARON LING JOHANSON
Co-Chair

ROSALYN H. BAKER
Chair

LINDA ICHYAMA
Co-Chair

KARL RHOADS
Co-Chair

