

A BILL FOR AN ACT

RELATING TO PROSTITUTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that persons who may be in violation of one or more sections of the criminal code relating to prostitution may often be witnesses to crimes or victims of crimes. Their status as potential law breakers themselves may be an impediment for them to come forward and report criminal activity in which they have been victimized or in which they can provide material evidence. Currently the decision to prosecute these individuals or not is left to the discretion of the prosecuting authority. The legislature seeks in this bill to clarify the protections which we believe these individuals need in order that they may more readily participate in our system of justice.

The legislature further understands that despite growing public concerns about men who purchase sex that they are in fact often in the best position to identify and report instances of sex trafficking. Therefore this bill is designed to protect both buyers and sellers of sexual services who may report crimes to law enforcement.

SECTION 2. A new section shall be added to the 712-1200 series of the Hawaii Revised Statutes that relate to prostitution appropriately named and identified as the prostitution witness statute, as follows:

Notwithstanding any language in the Hawaii Revised Statutes to the contrary, any person who may otherwise be subject to criminal charges, under the misdemeanor sections of the Hawaii Revised Statutes numbered 712-1200, 712-1206, 712-1207, or 712-1209, who reports criminal activity to law enforcement and in so doing may expose themselves to the misdemeanor offenses noted herein shall have legal immunity from any such action against them. This shall apply to both buyers and sellers of sexual services.