

Honolulu, Hawaii

April 24, 2008

RE: S.B. No. 2212
S.D. 1
H.D. 2
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2212, S.D. 1, H.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) Make it a crime of kidnapping in the first degree to intentionally or knowingly restrain another person with the intent to unlawfully obtain the labor or services of the person, regardless of whether a debt collection is involved, and to define "labor" and "services" accordingly;
- (2) Delete a reference to involuntary servitude as an element of unlawful imprisonment in the first degree;



- (3) Add a reference to unlawfully obtaining "labor" in the commission of extortion, and adding an element to the offense, namely, to destroy, conceal, remove, confiscate, or possess a passport or other government identification or immigration document of another person;
- (4) Add a reference to "labor" as an element of extortion in the first, second, and third degrees;
- (5) Clarify the elements of the offense of promoting prostitution in the first degree by adding a reference to "force, threat, or intimidation" and deleting "criminal coercion"; and applying the offense to a person who knowingly advances or profits from prostitution of a person who is less than eighteen, rather than sixteen, years old; and
- (6) Clarify the elements of the offense of promoting prostitution in the second degree by inserting a reference to "prostituted persons".

The intent of your Committee on Conference is to strengthen the laws on prostitution and related offenses to deter and punish sexual exploitation of minors, including obscenity-related activities.

Your Committee on Conference has amended this measure by changing the effective date to upon approval.

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. 2212, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2212, S.D. 1, H.D. 2, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



MAILE SHIMABUKURO, Co-Chair



BRIAN T. TANIGUCHI, Chair



TOMMY WATERS, Co-Chair



Hawaii State Legislature
 Record of Votes of a
 Conference Committee

Bill / Concurrent Resolution No.: SB 2212, SD 1, HD 2	Date/Time: 4/21/08 11:00 am
---	--------------------------------

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

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> 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
TANIGUCHI, Brian T., Chr.	✓				SHIMABUKURO, Maile S. L., Co-Chr.	✓			
GABBARD, Mike	✓				WATERS, Tommy, Co-Chr.	✓			
SLOM, Sam	✓				LEE, Marilyn B.	✓			
					WARD, Gene, Ph.D.	✓			
TOTAL	3				TOTAL	4			

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

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
---	--

Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
--	---

Distribution:

Original <i>File with Conference Committee Report</i>	Yellow <i>House Clerk's Office</i>	Pink <i>Senate Clerk's Office</i>	Goldenrod <i>Drafting Agency</i>
--	---------------------------------------	--------------------------------------	-------------------------------------