







Proposed Advancements for Juvenile Sex Trafficking Victims in Hawaii’s Senate Bill 265

Current Law	Proposed Law under SB 265	Impact
Fails to list promoting prostitution as a violent crime.	Lists sex trafficking as a violent crime Change: Promotes access to victims compensation for sex trafficking victims.	
Limits the right to bring civil lawsuits to individuals who have been coerced into prostitution by “domination, restraint, or control.”	Allows <i>all</i> sex trafficking victims to pursue justice, instead of just victims who are coerced. Change: Increases access to justice for sex trafficking victims, especially juvenile sex trafficking victims.	
Fails to include promoting prostitution as an offense for which wiretapping is allowed.	Allows wiretapping for investigations of sex trafficking as part of organized crime. Change: Increases investigative tools.	
Provides that prostitution is a petty misdemeanor, even for children, punishable by imprisonment up to 30 days.	Reduces prostitution conduct to a violation classification for children, which incurs no detention penalties. Change: Prevents unjustly blaming and penalizing child victims of commercial sexual exploitation for their own victimization.	
Includes promoting prostitution as an offense that is subject to property forfeiture.	Lists both sex trafficking and promoting prostitution as subject to property forfeiture.	No change
Promoting Prostitution in the First Degree	Sex Trafficking Offense	
Defines promoting prostitution in the 1st degree for minor victims as when a “person knowingly: ... (b) Advances or profits from prostitution of a person less than eighteen years old.”	Defines sex trafficking of minor victims as “knowingly: ... (b) Advances or profits from prostitution of a person less than eighteen years old.” Change: Reduces unfair stigmatization of sex trafficking victims caused by prostitution terminology. Change: Clarifies that prostituted minors are victims of sex trafficking. Adds NO additional burden of proof or knowledge requirement for juvenile victims.	
Classifies promoting prostitution in the 1st degree as a class A felony.	Establishes that sex trafficking is class A felony.	No change
Promoting Prostitution in the Second Degree	Promoting Prostitution	
Defines promoting prostitution in the 2nd degree to be when a person “knowingly advances or profits from prostitution.”	Defines promoting prostitution to be when a person “knowingly advances or profits from prostitution of a person eighteen years of age or older.” Change: Limits offense to adult victims, ensuring that sex trafficking of children must be prosecuted as a more serious offense, punishable only as a class A felony.	
Classifies promoting prostitution in the 2nd degree as a class B felony.	Maintains that promoting prostitution is a class B felony.	No change