
A BILL FOR AN ACT

RELATING TO CRIME.

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

1 SECTION 1. Chapter 707, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:

4 "§707- Human trafficking. (1) A person commits the
5 offense of human trafficking if the person:

6 (a) Knowingly subjects or attempts to subject another
7 person to labor or services or any form of sexual
8 conduct under section 707-700 or 712-1210 on account
9 of which anything of value is given, by:

10 (i) Causing, attempting to cause, or threatening to
11 cause bodily injury to any person;

12 (ii) Restraining or threatening to restrain another
13 person;

14 (iii) Abusing or threatening to abuse the law or legal
15 process;

16 (iv) Knowingly destroying, concealing, removing,
17 confiscating, or possessing any actual or
18 purported passport or other immigrant



- 1 identification document, or any other actual or
2 purported government identification document, of
3 another person;
- 4 (v) Committing extortion subsection (f), (g), or (k)
5 of section 707-764;
- 6 (vi) Deception, as defined in section 708-800, or
7 fraud, which means falsely representing a present
8 or past fact, whether by words or conduct, or
9 failing to disclose a present or past fact that
10 causes a person to act, or fail to act, in
11 reliance thereon;
- 12 (vii) Debt bondage; or
- 13 (viii) Using any scheme, plan, or pattern intended to
14 cause any person to believe that, if the person
15 did not perform the labor or services, that
16 person or another person would suffer serious
17 bodily injury.
- 18 (b) Knowingly recruiting, enticing, harboring,
19 transporting, providing, or obtaining by any means
20 another person under eighteen years of age, knowing
21 that the person will engage in:



- 1 (i) Any form of sexual conduct within the meaning of
2 section 707-700 or 712-1210(8) on account of
3 which anything of value is given, promised to, or
4 received by any person;
- 5 (ii) Activity as an erotic or nude massager or exotic
6 or nude dancer as defined by section 712-1210; or
- 7 (iii) Production of child pornography as defined in
8 section 707-750.
- 9 (c) Trafficks another person for labor or services or any
10 form of sexual conduct under section 707-700 or 712-
11 1210 by knowingly:
- 12 (i) Recruiting, enticing, harboring, transporting,
13 providing, or obtaining by any means another
14 person, intending or knowing that the person will
15 be subjected to forced labor or services or any
16 form of sexual conduct under section 707-700 or
17 712-1210; or
- 18 (ii) Benefiting, financially or by receiving anything
19 of value, from participation in a venture that
20 has engaged in an act involving forced labor or
21 services or any form of sexual conduct under
22 section 707-700 or 712-1210.



1 (2) A conviction and sentence for human trafficking shall
2 be in addition to, and not in lieu of, a conviction and sentence
3 for any underlying offense; provided that the sentence imposed
4 under this section may run concurrent with or consecutive to the
5 sentence for the underlying offense.

6 (3) In this section:

7 (a) "Labor" means work of economic or financial value.

8 (b) "Services" means an ongoing relationship between a
9 person and the actor in which the person performs
10 activities under the supervision of or for the benefit
11 of the actor.

12 (4) Nothing in this section shall be construed to
13 legitimize or legalize prostitution.

14 (5) Human trafficking is a class A felony."

15 SECTION 2. Section 351-32, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§351-32 Violent crimes.** The crimes to which part III of
18 this chapter applies are the following and no other:

19 (1) Murder in the first degree (section 707-701);

20 (2) Murder in the second degree (section 707-701.5);

21 (3) Manslaughter (section 707-702);



- 1 (4) Negligent homicide in the first degree (section 707-
2 702.5);
- 3 (5) Negligent homicide in the second degree (section 707-
4 703);
- 5 (6) Negligent injury in the first degree (section 707-
6 705);
- 7 (7) Negligent injury in the second degree (section 707-
8 706);
- 9 (8) Assault in the first degree (section 707-710);
- 10 (9) Assault in the second degree (section 707-711);
- 11 (10) Assault in the third degree (section 707-712);
- 12 (11) Kidnapping (section 707-720);
- 13 (12) Sexual assault in the first degree (section 707-730);
- 14 (13) Sexual assault in the second degree (section 707-731);
- 15 (14) Sexual assault in the third degree (section 707-732);
- 16 (15) Sexual assault in the fourth degree (section 707-733);
- 17 (16) Abuse of family [~~+~~]or[~~+~~] household member (section
18 709-906); [~~and~~]
- 19 (17) Human trafficking (section 707-); and
- 20 [~~(17)~~] (18) Terrorism, as defined in Title 18 United States
21 Code section 2331."



1 SECTION 3. Section 707-721, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§707-721 Unlawful imprisonment in the first degree. (1)

4 A person commits the offense of unlawful imprisonment in the
5 first degree if the person knowingly restrains another person[+
6

7 ~~(a) Under]~~ under circumstances which expose the person to
8 the risk of serious bodily injury[+~~or~~

9 ~~(b) In a condition of involuntary servitude].~~

10 (2) Unlawful imprisonment in the first degree is a class C
11 felony."

12 SECTION 4. Section 712A-4, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§712A-4 Covered offenses. Offenses for which property is
15 subject to forfeiture under this chapter are:

16 (a) All offenses which specifically authorize forfeiture;

17 (b) Murder, kidnapping, human trafficking, gambling,
18 criminal property damage, robbery, bribery, extortion,
19 theft, unauthorized entry into motor vehicle,
20 burglary, money laundering, trademark counterfeiting,
21 insurance fraud, promoting a dangerous, harmful, or
22 detrimental drug, commercial promotion of marijuana,
unlawful methamphetamine trafficking, manufacturing of



1 a controlled substance with a child present, promoting
2 child abuse, or electronic enticement of a child which
3 is chargeable as a felony offense under state law;

4 (c) The manufacture, sale, or distribution of a controlled
5 substance in violation of chapter 329, promoting
6 detrimental drugs or intoxicating compounds, promoting
7 pornography, promoting pornography for minors, or
8 promoting prostitution, which is chargeable as a
9 felony or misdemeanor offense, but not as a petty
10 misdemeanor, under state law; and

11 (d) The attempt, conspiracy, solicitation, coercion, or
12 intimidation of another to commit any offense for
13 which property is subject to forfeiture."

14 SECTION 5. Section 842-1, Hawaii Revised Statutes, is
15 amended by amending the definitions of "organized crime" and
16 "racketeering activity" to read as follows:

17 ""Organized crime" means any combination or conspiracy to
18 engage in criminal activity as a significant source of income or
19 livelihood, or to violate, aid or abet the violation of criminal
20 laws relating to prostitution, gambling, loan sharking, drug
21 abuse, illegal drug distribution, counterfeiting, extortion,



1 human trafficking, corruption of law enforcement officers or
2 other public officers or employers.

3 "Racketeering activity" means any act or threat involving,
4 but not limited to murder, kidnapping, human trafficking,
5 gambling, criminal property damage, robbery, bribery, extortion,
6 theft or prostitution, or any dealing in narcotic or other
7 dangerous drugs which is chargeable as a crime under state law
8 and punishable by imprisonment for more than one year."

9 SECTION 6. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun, before its effective date.

12 SECTION 7. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 8. This Act shall take effect upon its approval.



Report Title:

Human Trafficking

Description:

Creates the offense of human trafficking. (HB1784 HD1)

