

Honolulu, Hawaii

March 18, 2008

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

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

Sir:

Your Committee on Human Services & Housing, to which was referred S.B. No. 2212, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this bill is to protect minors by strengthening the laws prohibiting sexual exploitation of a minor and certain activities associated with human trafficking.

The Department of the Attorney General, Crime Victim Compensation Commission, Honolulu Police Department, Hawaii Family Forum, Hawaii Catholic Conference, Soroptimist International in Hawaii, Safe Zone Foundation, Girl Fest Hawaii, Sex Abuse Treatment Center, Oahu VOICES, and a concerned individual testified in support of this bill. The City and County of Honolulu Department of the Prosecuting Attorney supported this measure with an amendment. The Domestic Violence Action Center and Na Loio - Immigrant Rights and Public Interest Legal Center (Na Loio) provided comments.

Your Committee notes the concerns raised by Na Loio in its written testimony that this measure may go beyond human trafficking by criminalizing behavior that doesn't involve a commercial activity. Na Loio also suggests incorporating language similar to the Model State Anti-Trafficking Criminal Statute. Concerns were also raised with regard to the use of the term

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"prostitution" and the ability to share privileged communication with case management workers.

Your Committee has amended this bill by:

- (1) Changing the term "prostitutes" to "prostituted persons" because trafficking victims are not deemed to be "prostitutes" voluntarily; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2212, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2212, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Housing,



MAILE SHIMABUKURO, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCR 1164-08

Record of Votes of the Committee on Human Services & Housing

Bill/Resolution No.: SB 2212, SD1	Committee Referral: HSH, JUD	Date: 3/11/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HSH Members	Ayes	Ayes (WR)	Nays	Excused
1. SHIMABUKURO, Maile S. L. (C)	X			
2. RHOADS, Karl (VC)	X			
3. AWANA, Karen Leinani	X			
4. BELATTI, Della Au				X
5. BERTRAM, Joe, III	X			
6. CABANILLA, Rida T.R.	X			
7. GREEN, Josh, M.D.	X			
8. MIZUNO, John	X			
9. TOKIOKA, James Kunane	X			
10. WARD, Gene, Ph.D.	X			
TOTAL (10)	10	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u>Karl Rhoads</u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				