

STAND. COM. REP. NO.

2713

Honolulu, Hawaii

FEB 29 2008

RE: S.B. No. 2212

S.D. 1

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

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2212 entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this measure is to prevent human trafficking  
and to assist victims of such acts.

Specifically, this measure assists in the prosecution of  
human trafficking related crimes under Hawaii law by creating a  
new offense of sexual exploitation of a minor, amending existing  
kidnapping, extortion, and prosecution offenses, and including  
sexual exploitation of a minor in the definition of racketeering  
activity.

Your Committee received testimony in support of this measure  
from the State Attorney General, the Crime Victim Compensation  
Commission, the Department of the Prosecuting Attorney for the  
City and County of Honolulu, the Office of the Prosecuting  
Attorney for the County of Hawaii, the Honolulu Police Department,  
the Hawaii Family Forum, the Hawaii Youth Services Network,  
Na Loio Immigrant Rights and Public Interest Legal Center, the Sex  
Abuse Treatment Center, the Department of the Prosecuting Attorney  
for the County of Maui, and one individual. Testimony in  
opposition was received from the Office of the Public Defender.  
The Domestic Violence Action Center submitted comments.



Your Committee finds that in the world of human trafficking, men, women, and children, are bought, sold, and held against their will in slave-like conditions. People are trafficked and forced to work in the commercial sex trade, sweatshops, agricultural settings, domestic service, and other types of servitude, for basic food and shelter. It is the intent of your Committee to address this nationwide problem and prosecute these crimes under Hawaii law.

Your Committee has amended this measure by;

- (1) Removing the purpose clause (section 1) of this measure;
- (2) Defining "labor" and "services" in section 707-700, Hawaii Revised Statutes, rather than in sections 707-720 and 707-764, Hawaii Revised Statutes, so these definitions would apply to the substantive extortion offenses in chapter 707, Hawaii Revised Statutes;
- (3) Included in the foregoing definition of "services", the statement that, "Nothing in this chapter [chapter 707] shall be construed to legitimize or legalize prostitution";
- (4) Adding the term "labor" to the definition of extortion in section 707-764, Hawaii Revised Statutes, and the substantive extortion offenses in sections 707-765(1)(a), 707-766(1)(a) and 707-767, Hawaii Revised Statutes;
- (5) Including other immigration documents under section 707-764, Hawaii Revised Statutes, relating to the crime of extortion;
- (6) Amending the effective date to July 1, 2050, for purposes of facilitating further discussion and clarification; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2212, as amended herein, and recommends that it pass Second



Reading in the form attached hereto as S.B. No. 2212, S.D. 1, and  
be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



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BRIAN T. TANIGUCHI, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 2212</b>	Committee Referral: <b>JDL</b>	Date: <b>2-27-08</b>
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The committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	✓			
HEE, Clayton (VC)	✓			✓
GABBARD, Mike	✓			
KOKUBUN, Russell S.	✓			✓
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>4</b>	<b>—</b>	<b>—</b>	<b>2</b>

Recommendation:    
 Adopted    
 Not Adopted

Chair's or Designee's Signature:  


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\*Only one measure per Record of Votes