



TESTIMONY OF THE STATE ATTORNEY GENERAL TWENTY-FOURTH LEGISLATURE, 2008

ON THE FOLLOWING MEASURE:

H.B. NO. 2765, RELATING TO CRIME.

BEFORE THE:

HOUSE COMMITTEES ON HUMAN SERVICES AND HOUSING AND ON LABOR AND PUBLIC EMPLOYMENT

DATE: Thursday, February 7, 2008 **TIME:** 8:30 AM

LOCATION: State Capitol, Room 329
Deliver to: Committee Clerk, Room 326, 3 copies

TESTIFIER(S): Written testimony only.
For more information, please call Lance M. Goto,
Deputy Attorney General, at 586-1160

Chairs Shimabukuro and Sonson and Members of the Committees:

The Department of the Attorney General appreciates the intent of this measure to address the problem of human trafficking but recommends that amendments be made to the bill.

The bill facilitates the prosecution of human trafficking related crimes by creating a new offense of sexual exploitation of a minor, amending existing kidnapping, extortion, and prostitution laws, and adding sexual exploitation of a minor to the definition of racketeering activity. The bill also eliminates the distinction between minors under 18 and minors under 16 for purposes of promoting prostitution.

We recommend the following amendments. On page 11 of the bill, the term "labor" is being added to the definition of extortion in section 707-764, Hawaii Revised Statutes (HRS). Accordingly, the term should also be added to the substantive extortion offenses in sections 707-765(1)(a), 707-766(1)(a), and 707-767, HRS.

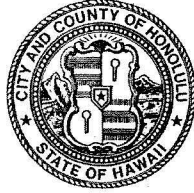
On pages 10 and 14 of the bill, the definitions of "labor" and "services" are being defined only for purposes of section 707-720, regarding kidnapping, and section 707-764, regarding the general definition of extortion. The definitions, although needed, are not applicable to the substantive extortion offenses. As such, the

definitions of "labor" and "services" should be moved to section 707-700, HRS, "Definitions of terms in this chapter." With that move, the last sentence in the proposed definition of "services" should be amended to read, "Nothing in this chapter shall be construed to legitimize or legalize prostitution."

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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February 7, 2008

The Honorable Maile S. L. Shimabukuro, Chair
and Members
Committee on Human Services and Housing
The Honorable Alex M. Sonson, Chair
and Members
Committee on Labor and Public Employment
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Shimabukuro and Sonson and Members:

Subject: House Bill No. 2765, Relating to Crime

I am Richard C. Robinson, Captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 2765, Relating to Crime.

Passage of this bill would provide for prosecution of human trafficking offenses under Hawaii law, similar to the Trafficking Victims Protection Act. By amending the language in the kidnapping, extortion, and promoting prostitution statutes, the creation of a separate human trafficking offense becomes unnecessary, thereby avoiding the Modica Rule. In addition, this act improves the protections for minors by eliminating the age distinctions of minors under the promoting prostitution statutes to include all persons less than eighteen years of age.

The creation of a new section entitled Sexual exploitation of a minor to chapter 707, Hawaii Revised Statutes, will address the recruitment and enticement of minors specifically for "knowingly or recklessly" causing, enticing, persuading, inducing,

The Honorable Maile S. L. Shimabukuro and Alex M. Sonson, Chairs
and Members

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or otherwise aiding "a minor to engage in activity as an erotic or nude massager or exotic or nude dancer."

Currently, thirty-three states have passed anti-trafficking laws that criminalize the act of trafficking.

The Honolulu Police Department urges you to support House Bill No. 2765, Relating to Crime.

Thank you for the opportunity to testify.

Sincerely,



RICHARD C. ROBINSON, Captain
Criminal Investigation Division

APPROVED:



for

BOISSE P. CORREA
Chief of Police



THE SEX ABUSE TREATMENT CENTER

A Program of Kapi'olani Medical Center for Women & Children

Date: February 7, 2008

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To: The Honorable Maile S. Shimabukuro, Chair
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Committee on Human Services and Housing

The Honorable Alex M. Sonson, Chair
The Honorable Bob Nakasone, Vice Chair
Committee on Labor and Public Employment

From: Adriana Ramelli, Executive Director
Sex Abuse Treatment Center
Kapi'olani Medical Center for Women and Children

RE: Support for HB2765
Human Trafficking

Good morning Representatives Shimabukuro, Rhoads, Sonson and Nakasone and members of the Committee on Human Services and Housing & the Committee on Labor and Public Employment . My name is Adriana Ramelli and I am the Executive Director of the Sex Abuse Treatment Center (SATC), a program of the Kapi'olani Medical Center for Women & Children (KMCWC), an affiliate of Hawaii Pacific Health.

Human trafficking is an egregious abuse of human rights. It has been the focus of world wide attention with nearly every country attempting to tackle the problem and put an end to this horrendous tragedy. Impoverished, isolated and vulnerable women and children are at greatest risk of suffering the injustices of human trafficking. They are held against their will in slave-like conditions and are often subjected to rape, physical and psychological abuse and torture. The emotional and physical toll on human life is substantial and long lasting.

Organizations throughout the country are working on enacting laws and developing programs to prevent trafficking, prosecute traffickers and to assist those who are exploited by traffickers. In Hawaii, professionals from various organizations have been partnering to address this problem and to identify strategies to resolve human trafficking.

An important first step in combating the problem of human trafficking is to promote and pass legislation to prosecute those who commit the crime. The Hawaii Anti-Trafficking Task Force has been diligently working on legislation to ensure that

trafficking crimes will be properly prosecuted. HB2765 is an act that will facilitate the prosecution of this offense. While there may be some legal “technical” aspects of the bill that need to be addressed (defer to recommendations from the Department of the Attorney General), this bill sets forth the required public policy to protect the rights of trafficked persons.

This bill also strengthens the protection afforded minors as it creates the new offense of sexual exploitation of a minor. Children are inherently vulnerable. For a myriad of reasons some are more easily exploited than others. Traffickers prey upon this group and seize exploitation opportunities for their own gain. This is often seen in those cases involving girls who become trapped in the commercial sex industry to meet their basic survival needs such as food, shelter and clothing. These girls are often runaways or throwaways with histories of sexual and physical abuse that are controlled and manipulated by a pimp or another person making it difficult for them to leave the situation. At SATC, we have provided services to help girls in these traumatic situations. To safeguard these girls and other minors who are exploited, our present laws need to be strengthened to effectively hold traffickers accountable for the grievous harm they perpetrate on children. The passage of HB2765 will ensure this.

It is also the intent of this bill to ensure victims of sexual exploitation are eligible for compensation from the Crime Victim Compensation Commission (CVCC). SATC strongly supports this action as it is imperative that victims get all the support necessary to re-build their lives. Compensation can offset the cost of counseling, medical care and other cost associated with victimization.

I strongly support bill HB2765. Thank you for the opportunity to testify.



SOROPTIMIST

Best for Women

Honolulu

ATTN: COMMITTEE ON HUMAN SERVICES & HOUSING
Rep. Maile S. L. Shimabukuro, Chair
Rep. Karl Rhoads, Vice Chair
Rep. Karen Leinani Awana
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Rep. Roy M. Takumi

HEARING DATE: Thursday, February 7th 2008

HEARING TIME: 8:30am

PLACE: Conference Room 329

MEASURE TITLE: **HB 2765 RELATING TO CRIME**

REPORT TITLE: HUMAN TRAFFICKING

Enables prosecution of human trafficking under Hawaii law by creating new offense of sexual exploitation of a minor, amending existing kidnapping, extortion, and prostitution offenses, and including sexual exploitation of a minor in definition of racketeering. Eliminates distinction between minors under 18 and minors under 16 for purposes of promoting prostitution. Makes victims of sexual exploitation of a minor and promoting prostitution in the first degree eligible for crime victim compensation.

Please submit 3 copies plus 1 original to Room 326

Dear COMMITTEE MEMBERS:

On behalf of Sorooptimist International of Honolulu and its 23 members, I am writing in support of HB 2765. Approximately 75 percent of all human trafficking victims are

trafficked for sexual exploitation. Each year, between 800,000 and 900,000 people are trafficked across international borders – 80 percent of whom are women and children.

Girls as young as nine years old have been forced into prostitution. It is common for these women and girls to be kidnapped from their families by traffickers posing as anything from Christian missionaries to college recruiters, while others are duped into prostitution for the empty promise of a better life. Two federal indictments of sex-traffickers in the recent past, implicating Hawaii as a sex-trafficking destination, call upon us to address these crimes.

In 2005, two trafficking rings involving more than 30 women and girls, some as young as 12 years of age, was broken. If local Hawaii authorities had uncovered these child prostitution/trafficking cases they would be limited by current state law to bringing charges against the traffickers for merely promoting prostitution. HB2765 would allow the State to enforce stiffer penalties that fit the crimes that Human Traffickers commit on a daily basis and give victims of this heinous crime the services they need to heal.

The United States government has acknowledged the need to prosecute more traffickers and to rescue more victims and has called on each State to help. To date over 25 states have done so.

It is crucial to support and to ensure the existence of appropriate and severe penalties for this modern form of slavery by passing HB 2765. Under current law, traffickers may only serve a few years time for the incredible psychological, physical, and spiritual abuse they inflict on women and children caught in this illegal trade. Human Trafficking commands a much higher penalty for traffickers of women and children than the Mann Act, which has a sentence of 5 years and a \$5000 fine, or our current laws that do not define the crime yet.

Hawaii has a proud history of upholding values such as Ohana and Aloha through trying times. Human trafficking has taken root in Hawaii, threatening values we hold dear. This modern-day slave trade requires our immediate attention to stop its proliferation. It is of the utmost importance that Hawaii addresses this burgeoning global problem pro-actively and preventatively to protect women and girls in our home State. As Soroptimists our mission is to improve the lives of women and girls. Help us fight against the rise of traffickers by passing this bill. We sincerely thank you for your time and consideration in this matter.

Mahalo nui loa,

Claudia Quiles

Claudia Quiles, President
Soroptimist International of Honolulu

Soroptimist clubs in Hawaii are part of Soroptimist International of the Americas. Their members join with almost 100,000 Soroptimists in about 120 countries and territories to contribute time and financial support to community-based projects benefiting women and girls. Identifying projects include Soroptimist Stop Trafficking and the Women's Opportunity Awards program – cash grants for women seeking to improve their economic situation through additional training and/or education. Soroptimists are professionals, local business owners and community leaders that work together to serve the community and make a difference for women and girls.

Form testimony received from the Soroptimist International

Soroptimist International of Honolulu (23 members)- included in packet

Soroptimist International of Central Oahu (23 members)

Soroptimist International of Windward Oahu (16 members)

Soroptimist International of Waikiki (64 members)

Soroptimist International of Kona (36 members)

Soroptimist International of Maui (28 members)

Soroptimist International of West Maui (22 members)

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(Girl Fest)

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Non-Executive Director

Jessmaya Morales
Co-Director, Bay Area

Nikki Stevens
Technical Director

Nohea March
Coordinator

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Coordinator

Jolivette Mecenas
Film Coordinator

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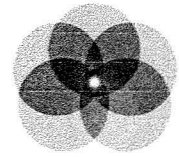
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THE SAFE ZONE FOUNDATION



ATTN: COMMITTEE ON HUMAN SERVICES & HOUSING
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**Please submit 3 copies plus 1 original to Room 326 or
Fax: (808) 586-6189**

Dear COMMITTEE MEMBERS:

On behalf of the Safe Zone Foundation and Girl Fest Hawaii, I am writing in support of HB 2765. Girls as young as nine years old have been forced into prostitution. It is

common for these women and girls to be kidnapped from their families by traffickers posing as anything from Christian missionaries to college recruiters, while others are duped into prostitution for the empty promise of a better life. Two federal indictments of sex-traffickers in the recent past, implicating Hawaii as a sex-trafficking destination, call upon us to address these crimes.

In 2005, two trafficking rings involving more than 30 women and girls, some as young as 12 years of age, was broken. If local Hawaii authorities had uncovered these child prostitution/trafficking cases they would be limited by current state law to bringing charges against the traffickers for merely promoting prostitution. HB2765 would allow the State to enforce stiffer penalties that fit the crimes that Human Traffickers commit on a daily basis and give victims of this heinous crime the services they need to heal.

The United States government has acknowledged the need to prosecute more traffickers and to rescue more victims and has called on each State to help. To date over 25 states have done so.

The Safe Zone Foundation is the non-profit organization responsible for Girl Fest Hawaii, a program whose mission is to prevent violence against women and girls. We know and work with trafficking survivors and other abused and disenfranchised women caught in the modern-day slave trade called Human Trafficking. Women who survive sex-trafficking suffer extreme physical and psychological abuse at the hands of their "owners" who sell their bodies and treat them as sub-human.

It is crucial to support and to ensure the existence of appropriate and severe penalties for this modern form of slavery by passing HB 2765. Under current law, traffickers may only serve a few years time for the incredible psychological, physical, and spiritual abuse they inflict on women and children caught in this illegal trade. Human Trafficking commands a much higher penalty for traffickers of women and children than the Mann Act, which has a sentence of 5 years and a \$5000 fine, or our current laws which do not define the crime yet.

Hawaii has a proud history of upholding values such as Ohana and Aloha through trying times. Human trafficking has taken root in Hawaii, threatening values we hold dear. This modern-day slave trade requires our immediate attention to stop its proliferation. It is of the utmost importance that Hawaii addresses this burgeoning global problem pro-actively and preventatively to protect women and girls in our home State, and those of us fighting against the rise of traffickers, urge you to pass this bill. Thank you sincerely for your time and consideration in this matter.

Mahalo nui loa,



Kathryn Xian, President, The Safe Zone Foundation & Girl Fest Hawaii;
National Education Association Ellison S. Onizuka Human & Civil Rights Award Recipient



The Salvation Army

Hawaiian & Pacific Islands Division

February 5, 2008

DOING THE MOST GOOD

Founded in 1865

William Booth
Founder

Shaw Clifton
General

Philip Swyers
Territorial Commander

David E. Hudson
Divisional Commander

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Dear COMMITTEE ON HUMAN SERVICES & HOUSING:

I am writing in support of HB 2765.

In 2006, the U. S. Department of Justice (DOJ), Office for Victims of Crime (OVC) awarded a 3-year grant to the Salvation Army Hawaiian and Pacific Islands Division to provide health and human services to pre certified victims of human trafficking in Hawaii, American Samoa, Saipan and Guam. The grant project, titled Hawaii and American Samoa Anti Trafficking Services (HAATS), has provided 34 human trafficking victims with much needed services including housing, food and other basic needs, case management, transportation, legal assistance, translation/interpreter services and advocacy.

HAATS works closely with the Hawaii Anti Trafficking Task Force, a partnership of law enforcement and other government agencies, private health and human services agencies and others that works cooperatively in order to help combat human trafficking in Hawaii and provide assistance to trafficking victims. The majority of Task Force

Participating Agency



Aloha United Way

members see the need to enact legislation that provides legal penalties that more appropriately fit the crimes associated with human trafficking. HB2765 would allow the State to enforce stiffer penalties that better fit the crimes that human traffickers commit on a daily basis.

Passage of HB2765 will ensure that more appropriate state laws are in place to help combat this modern form of slavery. Under current Hawaii State statutes, traffickers may only serve a few years for the serious crimes they inflict on the persons victimized by this illegal trade. The offenses related to human trafficking deserve a much higher penalty for traffickers of children and adults as compared to our current State laws that currently do not even define the crime.

Hawaii has a proud history of upholding values such as Ohana and Aloha and assisting victimized persons in our communities. The modern-day slave trade, which human trafficking represents, is active in Hawaii and requires our immediate attention and active involvement in order to prevent its proliferation. It is important that our Hawaii Legislature addresses this growing global problem through legislation that will effectively combat human trafficking in our home State.

Thank you for your consideration and help with passing this bill.

Mahalo nui loa,

Marcus H. Stannard

February 6, 2008

ATTN: COMMITTEE ON HUMAN SERVICES & HOUSING
Rep. Maile S. L. Shimabukuro, Chair
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Rep. Karen Leinani Awana
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Rep. Rida T.R. Cabanilla
Rep. Gene Ward, Ph.D.

From: Grace Martin
3173 Papala St.
Honolulu, HI 96822

HEARING DATE: Thursday, February 7th 2008

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Dear COMMITTEE ON HUMAN SERVICES & HOUSING:

I am writing in support of HB 2765.

My name is Grace Martin. I am a Bachelor of Social Work student at Hawaii Pacific University and I am currently doing my Practicum with Hawaii and American Samoa Anti-Trafficking Services of The Salvation Army.

I have heard of social justice issues such as Human Trafficking in the past, but it was not until this practicum experience that I have been able to start understanding the important and relevant issue that trafficking has become here in the US and as well as in Hawaii. The more time I spend in my practicum and with my reading, the more I see it as an issue that needs to be addressed and changed.

It is easy to get lost in the large statistics of trafficking victims around the world. Whether it is 4 million or 27 million; the numbers are not important. What is important is what we can do for the individuals who are right here in Hawaii. It is important to those who have been rescued, but have not received the justice that they deserve. It is also crucial for those who are in hiding because they know and fear that they will not receive justice or may even fear that they will be worse off because of their pursuit of that justice.

If HB2765 is passed it will provide that little bit of justice and assistance that a victim needs to be able to move forward and make a better life for themselves. It will also bring light to this important issue so the community and victims within our community will be able to come out of hiding and take a stand against this serious crime.

Thank you for your time and efforts in passing this bill,

Grace Martin