

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

ON THE FOLLOWING MEASURE:

S.B. NO. 2818, RELATING TO HUMAN TRAFFICKING.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Tuesday, February 12, 2008 **TIME:** 9:00 AM

LOCATION: State Capitol, Room 016
Deliver to: Committee Clerk, Room 219, 1 copy

TESTIFIER(S): Written testimony only.
For more information, contact Bridget Holthus,
Special Assistant to the Attorney General, at 586-1284.

Chair Taniguchi and Members of the Committee:

The Department of the Attorney General supports the intent to address the problem of human trafficking.

In S.B. 2818, we note that at page 2, line 13, "Sisters Offering Support" should be deleted because that organization is no longer in operation. At page 2, lines 18-19, "Domestic Violence Clearinghouse and Legal Hotline" should be changed to "Domestic Violence Action Center" because that organization has changed its name.

The Department supports the intent of this measure so long as it does not adversely impact the priorities indicated in the Executive Supplemental Budget Request.

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

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LISA A. DUNN
Chair

REBECCA S. WARD
Commissioner

THOMAS WATTS
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON SENATE BILL 2818
RELATING TO HUMAN TRAFFICKING
by
Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

Committee on Judiciary and Labor
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair

Tuesday, February 12, 2008; 9:00 AM
State Capitol, Conference Room 016

Good morning Chair Taniguchi, Vice Chair Hee and Members of the Senate Committee on Judiciary and Labor. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify before you today. The Commission **supports** the passage of House Bill 2818. This bill extends the sunset date for the Hawaii Anti-Trafficking Task Force to 2010; adds additional members to the Task Force, including the Commission; and makes an appropriation to fund the activities of the Task Force.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay unreimbursed crime-related expenses. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission.

In 2006 the legislature established the Hawaii Anti-Trafficking Task Force (HATTF II) to investigate ways to combat human trafficking, to prepare a social service needs

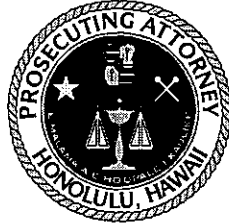
assessment of human trafficking victims, to collect data, to draft legislation to reduce human trafficking, and to look at the social service needs of human trafficking victims. The Commission attended a number of the Task Force meetings and provided its members with input regarding the eligibility of human trafficking victims for crime victim compensation.

While the Task Force made significant progress towards achieving its legislative mandate, the sunset date for the Task Force should be extended to allow the Task Force to complete the analysis of the needs assessment, and to draft legislation to improve the provision of services to human trafficking victims.

Thank you for providing the Commission with the opportunity to testify in support of this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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1060 RICHARDS STREET, HONOLULU, HAWAII 96813
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PETER B. CARLISLE
PROSECUTING ATTORNEY

DOUGLAS S. CHIN
FIRST DEPUTY
PROSECUTING ATTORNEY

**THE HONORABLE BRIAN T. TANIGUCHI, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR**

**TWENTY-FOURTH STATE LEGISLATURE
REGULAR SESSION OF 2008**

**HEARING: Tuesday, February 12, 2008
9:00 A.M., Conference Room 016**

RE: SENATE BILL 2818, RELATING TO HUMAN TRAFFICKING

Good morning Chair Taniguchi and members of the Judiciary and Labor Committee, the Department of Prosecuting Attorney provides the following testimony **in support of S.B. 2818, with amendments**, which proposes to extend the sunset date for the Hawaii Anti-Trafficking Task Force established by Act 260 of 2006, to amend the list of Task Force members, and provide an appropriation to underwrite the cost of activities carried out by the Task Force.

As a participant in the Act 260 Task Force we have diligently pursue the development of the necessary support services for victims' services to meet the diverse needs of the victims of human trafficking as well as participated in the development of a comprehensive consensus proposal for a criminal statute address the crime of human trafficking in Hawaii . We believe that this Task Force has the promoted a positive and productive effort by the diverse interests concerned about this issue in resolving the personal and social devastation created by this insidious offense. Our Department stands ready to continue its full and meaningful participation in the Task Force and supports the addition of the additional members, as proposed in this bill. The proposed new members will be able to assist in the critical task of crafting legislation that will address the extensive service needs of the victims of human trafficking. The extension of the sunset date for the Task Force to June 30, 2010 will also facilitate the accomplishment of this task. Similarly the appropriation incorporated into the S..B. 2818 will permit the full participation of Neighbor Island members by underwriting their travel expenses.

As to amendments to the bill we referenced above, we suggest, as recommended by the Task Force, that the list of members be amended by eliminating Sisters Offering Support (which unfortunately no longer exists) and to replace the Domestic Violence Clearinghouse and Legal Hotline with the Domestic Violence Action Center, to reflect their recent name change.

In summary, **we are strongly in favor of S.B. 2818**, with our proposed amendments, and recommend your favorable consideration.

Thank you for your time and consideration.

Domestic Violence Action Center

P.O. Box 3198 • Honolulu • Hawaii • 96801-3198

To: Chair Brian Taniguchi
Vice Chair Clayton Hee
Members of the Committee on Judiciary and Labor

From: Nanci Kreidman, M.A.
Executive Director

RE: S.B. 2818

Aloha, and thank you for scheduling S.B. 2818 for hearing. We are in support of this measure to extend the sunset date for the Anti-Trafficking Task Force. Much has been accomplished and there is still more to be done. This bill would give the task force the time to complete their very important work.

Thank you for inviting community testimony on this important issue.

February 11, 2008

ATTN: COMMITTEE ON HUMAN SERVICES & HOUSING
Senator Brian T. Taniguchi, Chair
Senator Clayton Hee, Vice Chair
Mike Gabbard
Russell S. Kokubun
Clarence K. Nishihara
Sam Sloan

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

HEARING DATE: Thursday, February 12th 2008

HEARING TIME: 9:00a.m.

PLACE: Conference Room 016

MEASURE TITLE: **SB 2818 Relating to Human Trafficking**

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.

Dear COMMITTEE ON JUDICIARY AND LABOR

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

LATE

NĀ LOIO

Immigrant Rights and Public Interest Legal Center

TESTIMONY IN SUPPORT OF
S.B. 2818
Committee on Judiciary and Labor
Tuesday, February 12, 2008
9:00 a.m.

To: The Honorable Brian T. Taniguchi, Chair
The Honorable Clayton Hee, Vice-Chair
From: Patricia McManaman
Na Loio – Immigrant Rights and Public Interest Legal Center

Na Loio – Immigrant Rights and Public Interest Legal Center is a non-profit legal services organization committed to providing immigration legal services and advocacy in the public interest with a particular emphasis on serving poor and low-income immigrants and their families. Since the passage of the federal Trafficking Victims Protection Act in 2000, Na Loio has provided legal representation in over 40 cases involving human trafficking victims seeking a Trafficking “T” visa or adjustment of status. We have also provided full legal representation in a handful of other cases for T victims including advance parole, language access discrimination, and due process issues involving claims to in-state tuition status at the University of Hawai’i. Na Loio actively screens all requests for legal services to determine if elements of trafficking are present, and we actively collaborate with local and federal law enforcement and other social service providers in cases giving rise to the prospect of human trafficking. Na Loio strongly supports S.B. 2818.

Human trafficking occurs in epidemic proportions across the globe, and the United Nations estimates that there are 12.3 million persons enslaved in force labor, bonded labor, forced child labor, sexual servitude, and involuntary servitude at any given point in time. Hawai’i is not an exception as evidenced by *United States v. Maka*, a federal case involving Tongan males who were illegally transported to Hawai’i to build lava rock walls and held in servitude. The *Maka* trafficking victims were compelled to live in substandard housing, subjected to routine beatings, often went without food, and received wages on an intermittent basis. Additional cases have emerged in Hawai’i involving labor trafficking and sex trafficking since the *Maka* case and remain pending “T” visa adjudication by the Department of Homeland Security.

The Hawai’i’ Anti Trafficking Task Force has accomplished much since its inception, as documented in two legislative reports submitted to the Hawai’i Legislature in 2007 and 2008. Committed task force members have deliberated over social service issues and debated the merits of state criminal legislation. Despite the best efforts of committee members, more

work remains to be done in the area of state funded public benefits, social services, and possibly continued work on a proposed state criminal statute. As such, Na Loio urges this Committee to extend the life of HATTF and to allow it to complete its important work.



THE SEX ABUSE
TREATMENT CENTER

LATE

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

Executive Director
Adriana Ramelli

Advisory Board

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Mimi Beams

Vice President
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Tina Watson

Geraldine A. Hayes

Roland Lagareta

M. Stanton Michels, M.D.

Willow Morton

R. Carolyn Wilcox

Date: February 12, 2008

To: The Honorable Brian T. Taniguchi, Chair
The Honorable Clayton Hee, Vice Chair
Members of the Senate Committee on Judiciary and Labor

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

RE: Support for SB2818
Hawaii Anti-trafficking Task Force

Good morning Senators Taniguchi and Hee and members of the Committee on Judiciary and Labor. 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.

The SATC supports SB2818 to extend the sunset date for the Hawaii Anti-trafficking Task Force to 2010 and appropriates funding for it. This Task Force plays a vitally important role in addressing human trafficking, a serious and escalating crime that tramples on human rights in Hawaii and throughout the world. Every year trafficking impacts thousands of people, many of them children, who are forced to engage in sex acts or labor under slave-like conditions. Hawaii must be proactive in addressing this heinous crime. The SATC has actively participated in the Task Force since its inception and we strongly urge you to support its critically important work.