



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-FIFTH LEGISLATURE, 2010**

ON THE FOLLOWING MEASURE:

S.B. NO. 2045, S.D. 1, RELATING TO CRIME.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 16, 2010 **TIME:** 2:15 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Mark J. Bennett, Attorney General, or
Lance M. Goto, Deputy Attorney General, or
Bridget Holthus, Special Assistant to the Attorney General

Chair Karamatsu and Members of the Committee:

The Department of the Attorney General supports the goals of preventing human trafficking and bringing its perpetrators to justice; however, the Department opposes this bill because it seeks to prohibit conduct that is already prohibited under Hawaii law, and it contains other legal problems.

**Proposed section 707-A
Sexual Human Trafficking in the First Degree**

As written, proposed section 707-A prohibits: (1) transporting (or aiding, assisting, or causing to be transported) a person with the intent to advance prostitution or a sexually-explicit activity; (2) recruiting, enticing, or harboring a person to engage in prostitution or sexually-explicit activity caused by the listed "means," or (3) recruiting, enticing, or harboring a person under the age of 18 to engage in prostitution or sexually-explicit activity. But under existing statutes, the State can already prosecute transporters, recruiters, enticers, and harborers as accomplices to underlying crimes, including sexual assault, promoting

prostitution, promoting child abuse, and the crimes listed as "means."

Subsection (1) (page 1, lines 6-10)

As written, the transportation provision is not connected to the list of "means" or to the age provision at page 3, lines 7-9. Thus, a person who transports a willing adult for purposes of prostitution or sexually-explicit activity could be guilty of this offense. This is inconsistent with the common understanding of the term "human trafficking."

Additionally, some of the "sexually-explicit activity" as defined at page 5, lines 5-7 ("activity as an erotic or nude massager or exotic or nude dance, as defined by section 712-1210") is legal if performed by a willing adult. Transporting a willing adult for a legal purpose should not be a crime.

Subsection (1)(a) (page 1, line 12, to page 3, line 6)

This bill defines a "trafficked person" as "a person who is transported for the purposes described in this part" (emphasis added; see page 5, lines 9-10). The term "trafficked person" is used several times in proposed section 707-A(1)(a), but as written, proposed section 707-A(1)(a) does not involve transportation.

Subsection (1)(a)(i) (page 1, line 15)

This "means" is already prohibited under Hawaii law. Section 707-764 (Extortion) prohibits obtaining, or exerting control over, the property, labor, or services of another with intent to deprive another of property, labor, or services by threats of word or conduct; and prohibits intentionally compelling or inducing another person to engage in conduct from

which another has a legal right to abstain, or to abstain from conduct in which another has a legal right to engage, by threats of word or conduct. (The term "labor" was added in 2008 at the recommendation of the Hawaii Anti-Trafficking Task Force. See Act 147, Session Laws of Hawaii 2008.) Recruiters, enticers, and harborers can be prosecuted as accomplices.

Furthermore, under existing law, Extortion may be a class B felony, a class C felony, or a misdemeanor (section 707-764, Hawaii Revised Statutes, *et seq.*). Thus, if this proposed section were enacted, a recruiter, enticer, or harborer would be guilty of a class A felony, while a person convicted of the underlying extortion would be guilty of a lesser offense.

Subsection (1)(a)(ii) (page 1, line 16)

This "means" is already prohibited under Hawaii law. Section 707-720(1)(g) (Kidnapping, a class A felony) prohibits the knowing restraint of a person with the intent to unlawfully obtain labor or services. (Section 707-720(1)(g) was added in 2008 at the recommendation of the Hawaii Anti-Trafficking Task Force. See Act 147, Session Laws of Hawaii 2008.) Recruiters, enticers, and harborers can be prosecuted as accomplices.

Subsection (1)(a)(iii) (page 2, lines 1-2)

This "means" is already prohibited under Hawaii law. Sections 707-721 and 707-722 (Unlawful Imprisonment) prohibit the knowing restraint of another person under the circumstances described in those statutes. But knowing restraint with the intent to unlawfully obtain labor or services is Kidnapping under section 707-720(1)(g), and recruiters, enticers, and harborers can be prosecuted as accomplices. (Kidnapping is already listed as a "means" at page 1, line 16, of this bill.)

Furthermore, under existing law, Unlawful Imprisonment may be a class C felony or a misdemeanor. Thus, if this proposed section were enacted, a recruiter, enticer, or harbinger would be guilty of a class A felony, while a person convicted of the underlying Unlawful Imprisonment would be guilty of a lesser offense.

Subsection (1)(a)(iv) (page 2, line 3)

This "means" is already prohibited under Hawaii law. Section 712-1202 (Promoting Prostitution in the First Degree) prohibits compelling a person by force, threat, or intimidation to engage in prostitution, or profiting from such coercive conduct by another. Furthermore, Promoting Prostitution in the First Degree is a class B felony; thus, if this proposed section were enacted, a recruiter, enticer, or harbinger would be guilty of a class A felony, while a person convicted of the underlying Promoting Prostitution would be guilty of a lesser offense.

Additionally, using "force" to compel a person to engage in sexual conduct may be prosecuted as sexual assault. Section 707-730 (Sexual Assault in the First Degree, a class A felony) prohibits knowingly subjecting a person to sexual penetration by strong compulsion. The definition of "strong compulsion" in section 707-700 includes "physical force." And a person who aids or agrees or attempts to aid the assailant in planning or committing the assault can be prosecuted as an accomplice to the assault.

Using "threat" to compel a person to engage in prostitution is (and using "intimidation" appears to be) Extortion under section 707-764. (Extortion is already listed as a "means" at page 1, line 15, of this bill.)

Subsection (1)(a)(v) (page 2, lines 4-9)

This "means" would prohibit the use of "deception, as defined in section 708-800" to "induce or maintain a person to engage or continue to engage in prostitution or a sexually-explicit activity". But chapter 708 relates to property rights, and the definition under section 708-800 states that "the term 'deception' does not . . . include falsity as to matters having no pecuniary 'significance'".

Subsection (1)(a)(vi) (page 2, lines 10-13)

The term "debt bondage situation" is not defined. If compulsion or restraint is involved, this "means" could be a form of Assault, Terroristic Threatening, Extortion, Kidnapping, Unlawful Imprisonment, Sexual Assault, or Promoting Prostitution, which are already prohibited under Hawaii laws.

Subsection (1)(a)(vii) (page 2, lines 14-15)

"Threatening to cause financial harm" to compel a person to engage in prostitution is already prohibited as Extortion under section 707-764. (Extortion is already listed as a "means" at page 1, line 15, of this bill.)

Subsection (1)(a) ix) (page 2, lines 19-22)

This "means" is already prohibited under section 707-764(1)(k) (Extortion): "destroy, conceal, remove, confiscate, or possess any actual or purported passport, or any other actual or purported government identification document, or other immigration document, of another person" (Section 707-764(1)(k) was added in 2008 at the recommendation of the Hawaii Anti-Trafficking Task Force. See Act 147, Session Laws of Hawaii 2008.) Extortion is already listed as a "means" at page

1, line 15, of this bill.

Subsection (1)(a)(x) (page 3, lines 1-6)

This "means" is redundant. The use of "force, threat, or intimidation" is already covered at page 2, line 3, of this bill.

Subsection (1)(b) (page 3, lines 7-9)

This conduct is already prohibited under Hawaii law. Prostitution and promoting prostitution are prohibited under chapter 712. Massage by minors is prohibited under section 436B-10(b)(1) and chapter 452. Nude, exotic, or lap dancing by minors is prohibited under chapter 390. Child pornography is prohibited under part VI of chapter 707. And recruiters, enticers, and harborers can be prosecuted as accomplices.

Proposed section 707-B

Sexual Human Trafficking in the Second Degree

As written, this proposed offense would criminalize the act of managing, supervising, controlling, or owning a business or enterprise that "recruits, entices, or maintains" a transported person, knowing, or in reckless disregard of the risk, that the person has been compelled to engage in prostitution - even when the business has no connection with the prostitution, and no connection with the "means" used to compel the prostitution. Thus, a manager could be guilty of this offense if he recruits a willing employee after discovering that the employee's boyfriend is forcing her to also work as a prostitute separate and apart from her work for the subject business. In the case of a minor, compulsion is not required; thus, a manager could be guilty of this offense if she recruits a minor after discovering that the

minor engages in a sexually-explicit activity separate and apart from her work for the subject business.

Additionally, as written, the transportation element is meaningless because everyone in the state has been "transported within the State".

If proposed subsection (1)(a) were amended to provide that the manager or business must be connected to the prostitution (for example, by providing that the manager must act with the intent to advance prostitution, or with the intent that the business will profit from the prostitution), then it would appear to prohibit conduct that is similar to conduct already prohibited under section 712-1203 (Promoting Prostitution in the Second Degree), which prohibits "knowingly advanc[ing] or profit[ing] from prostitution by managing, supervising, controlling, or owning, either alone or in association with others, . . . a prostitution business or enterprise involving prostitution activity by two or more prostituted persons." If the concern is that section 712-1203 should also apply to a business or enterprise involving prostitution activity by one prostituted person, then section 712-1203 should be so amended. If the concern is that the penalties for Promoting Prostitution are insufficient, then the penalties should be amended. If proposed subsection (1)(a) is intended to deter Promoting Prostitution by allowing the forfeiture of assets derived or realized from prostitution, then it is unnecessary because Promoting Prostitution is already a covered offense under section 712A-4(c).

If proposed subsection (1)(b) were amended to provide that the manager or business must be connected to the sexually-explicit activity of a minor (as defined at page 5, lines 5-8, of the bill), then the proposed section would appear to prohibit

conduct that is already prohibited under Hawaii law. Massage by minors is prohibited under section 436B-10(b)(1) and chapter 452. Nude, exotic, or lap dancing by minors is prohibited under chapter 390. Child pornography is prohibited under part VI of chapter 707. And a person who solicits another to commit an offense, or aids or agrees or attempts to aid in planning or committing the offense, or has a legal duty to prevent the commission of the offense and fails to make a reasonable effort to do so, can be prosecuted as an accomplice. If the concern is that the penalties for these offenses are insufficient, then the penalties should be amended. If proposed subsection (1)(b) is intended to deter these offenses by allowing the forfeiture of assets derived or realized from these offenses, then these offenses should be added to the list of covered offenses under section 712A-4.

Proposed section 707-C
Definitions; defenses; multiple sentences

Subsection (2) (page 5, lines 13-20)

This subsection is internally inconsistent. The first sentence states, in essence, that no state of mind need be proven if the trafficked person was under the age of 18. In contrast, the second sentence states that negligence or recklessness as to the age of the trafficked person shall be sufficient to prove the requisite state of mind.

Subsection (3) (page 5, line 21, to page 6, line 3)

This subsection does not make sense. It appears to state that being a victim rather than a perpetrator (in other words, not having committed the offense) is a defense to a charge of sexual human trafficking, but this is already true of every

criminal charge. And if this provision is intended to create a defense where a person is compelled by another trafficker to commit trafficking, Hawaii law already provides defenses where there is duress (section 702-231), ineffective consent (section 702-235), or choice of evils (section 703-302).

**Proposed section 707-D
Rights of alleged trafficking victims**

Hawaii law already provides a "bill of rights" for crime victims and witnesses (section 801D-4, Hawaii Revised Statutes). If the intent of this bill is to revise these rights, then amendments should be made to chapter 804D, rather than creating a new section in a different chapter.

Additionally, this bill defines "trafficked person" as "a person who is transported for the purposes described in this part" (emphasis added; see page 5, lines 9-10). As a result, proposed section 707-D excludes victims who have been "recruited, enticed, harbored" but not transported.

Subsection (1) (a) (page 6, lines 17-19)

This subsection does not specify what facilities are "inappropriate." The use of such a broad term is likely to cause confusion. Additionally, this provision will create an untenable situation if "an alleged human trafficking victim" has been sentenced to a term of imprisonment in a separate, unrelated case.

Subsection (1) (b) (page 6, lines 20-21)

This subsection does not make sense. Hawaii law does not allow a person to be jailed or fined "due to having been the victim" of any criminal offense.

Subsection (1)(c) (page 7, lines 1-4

This subsection does not specify what individual or entity is required to "provide protection."

Sections 7 and 8 of this bill

Section 7 (starting at page 16, line 14) and section 8 (starting at page 20, line 12) of this bill are redundant. The two sections appear to be virtually identical, with the exception of paragraph (Y) at page 24, line 1.

Testimony on behalf of the
Office of the Public Defender, State of Hawai'i
to the House Committee on Judiciary

March 16, 2010

RE: S.B. 2045. SD1: Relating To Crime.

Representative Karamatsu and Members of the Committee:

S.B. 2045, SD1 seeks to create the new offense of "Sexual Human Trafficking". We question the need for the proposed "Sexual Human Trafficking" statute as it is unclear what specific conduct this legislation is designed to address that is not already covered by offenses in the Hawaii Penal Code.

As drafted, the "Sexual Human Trafficking" legislation appears to address conduct already covered by current statutes. Additionally, it is at odds with the structure of the Hawaii Penal Code.

The proposed new Human Trafficking statute would create a class "A" offense, punishable by a mandatory indeterminate 20 year prison term (i.e. not probationable), which would provide, in pertinent part,

if a person "with the intent to advance prostitution or sexually-explicit activity transports, or **aids, assists** or causes to be transported any person **into, through, within, across, or out** of the State ...

The terms **aid** and **assist** are not defined. The Random House Webster's Dictionary defines "aid" as "to help; assist". It defines "assist" as "to aid; help". It is poor legislative drafting to use words that mean the same thing in a statute and to use words that are defined so broadly.

Likewise, the words **through, within** and **across** are equally similar and, therefore, confusing. Can you cause someone to be transported **through** a state without being **within** or **across** the state? No. Including all of these words in the statute does not afford greater protection. It invites litigation challenging the normal meaning of the words, because the use of each of them implies that each means something different from the other.

This proposed legislation is full of questionable drafting. For example, the proposed Second Degree offense at §707-B does not include a state of mind. That is troubling because any statute that does not specifically cite a state of mind comes under HRS § 702-204 which provides that when the state of mind is not specified, the states of mind of "intentionally, knowingly, or recklessly" will apply. This means that a person may be subjected to mandatory prison for only a "reckless" state of mind.

Additionally, while certain provisions in the bill do specify a state of mind such as intentional or knowing, there is a catchall provision in §707-C which essentially tries to create "strict liability" (i.e. that if the trafficked person was under 18, no state of mind need be proven) but immediately contradicts itself by stating that proof of recklessness or negligence will suffice.

Also, the bill seeks to add these newly created offenses to the list of "violent offenses" under section 351-32. While taking no issue with the seriousness of the conduct sought to be addressed in this bill, the offenses created are not "violent" offenses, under the standard definition of violence. We open a Pandora's box when we start adding offenses that are not violent, per se, to such a list.

For these reasons, we cannot support this legislation in its current form.

Thank you for the opportunity to comment on this bill.

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

1136 Union Plaza, Suite 600
Honolulu, Hawaii 96813
Telephone: 808 587-1143
FAX 808 587-1146

LISA A. DUNN
Chair

TOM WATTS
Commissioner

DEW KANESHIRO
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON SENATE BILL 2045, SD1
RELATING TO CRIME

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Judiciary
Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair

Tuesday, March 16, 2010; 2:15 PM
State Capitol, Conference Room 325

Good afternoon Chair Karamatsu, Vice Chair Ito, and Members of the House Committee on Judiciary. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in opposition to Senate Bill 2045, SD1. Senate Bill 2045, SD1 amends Chapter 707 by adding a new part to establish the offense of human trafficking in the first and section degree, definitions and rights for victims of human trafficking. In addition, Chapter 351-32 is amended to provide that human trafficking victims are eligible for crime victim compensation. The bill also provides that proceeds of human trafficking are subject to forfeiture; that communications in furtherance of human trafficking are subject to court ordered interception; and that human trafficking is included in the definition of organized crime and racketeering activity under Section 842-1, and in the definition of sexual offenses under section 846E-1. Finally, the bill provides that human trafficking offenders are not eligible to receive a deferred plea under section 853-4.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed 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.

In 2006, the legislature established the Hawaii Anti-Trafficking Task Force (HATTF II) to determine how Hawaii could best combat and deter human trafficking. The Commission served in advisory capacity to the Task Force from 2006 to 2008, when the Commission was appointed as a member of the Task Force. One of the activities assigned to the Task Force by the legislature was to review other state's statutes and make recommendations for change to Hawaii law that were necessary to assist in the prevention of human trafficking and to provide support to victims. Task Force recommendations were provided to the legislature by way of yearly reports. The Task Force offered legislative proposals in its 2007, 2008, and 2009 legislative reports. In 2008, a version of the Task Force proposal was enacted. The Task Force did not propose legislation in its 2010 report to the legislature and specifically rejected the precursor to the Senate Bill 2045, citing numerous technical concerns.

The Commission shares the concerns expressed by the law enforcement community in opposing Senate Bill 2045, SD1. The new offenses created by SB 2045 SD1, will be difficult to prove and subject to legal challenge because of conflicts and overlaps between the proposed statute, and current statutory provisions.

The Commission believes that the goals of the Task Force are better served by the approach taken in House Bill 1938. House Bill 1938 increases the penalties for offenses relating to human trafficking and provides greater protection and support to victims of human trafficking, which in turn increases the probability that human traffickers will be caught and punished. House Bill 1938 increases the penalties for promoting prostitution in the first, second and third degree, and provides that all promoting prostitution offenses are felonies.

The bill further provides that the penalty for kidnapping shall not be reduced in cases where the victim was kidnapped to obtain their labor or services, which would include those engaged in providing sexual services. The bill also provides support and protection to victims by clarifying that victims of human trafficking are eligible to receive funding

through the Witness Protection and Security Statute. The Witness Protection and Security Statute would provide human trafficking victims with law enforcement protection and financial assistance to pay for relocation costs.

Thank you for providing the Commission with an opportunity to testify **in opposition** to Senate Bill 2045, SD1. The Commission urges the Committee to amend Senate Bill 2045, SD1, by deleting the provisions of the bill and inserting the language contained in House Bill 1938.



SB2045 SD1 – RELATING TO CRIME – HUMAN TRAFFICKING OFFENSES
House Committee on Judiciary

March 16, 2010

2:15 P.M.

Room 325

Aloha Chair Karamatsu, Vice-Chair Ito and members of the Committee. My name is Rowena Akana, and I am an at-large Trustee of the Office of Hawaiian Affairs (OHA). Please excuse my absence at today's hearing as I am traveling on the continent.

I am writing to strongly **SUPPORT SB 2045, SD 1**, which would establish class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Human Trafficking is a grave human rights offense that is recognized internationally and nationally, but not recognized by Hawaii state law. Hawaii is one of only seven states that have not made Human Trafficking a felony offense. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

SB2045 SD1 carries the highest penalty available to the monsters who traffic women and children for sex. This bill effectively addresses the growing problem of Human Trafficking in Hawaii by creating sufficient punishments and an effective identification system to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, King's current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

For these reasons, I urge the Committee to pass SB 2045 SD1.

Mahalo for the opportunity to provide this testimony.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515



PETER B. CARLISLE
PROSECUTING ATTORNEY

DOUGLAS S. CHIN
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE JON RIKI KARAMATSU, CHAIR
HOUSE COMMITTEE ON JUDICIARY**

**TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION OF 2010**

March 16, 2010

RE: SENATE BILL 2045, S.D. 1, RELATING TO RELATING TO CRIME

Good morning Chair Karamatsu and members of the Judiciary Committee, the Department of Prosecuting Attorney provides the following testimony **regarding S.B. 2045, S.D. 1**, which proposes to amend Hawaii Revised Statutes to establish new offenses of Sexual Human Trafficking and Labor Human Trafficking with three degrees of each offense, which are classified as Class A, B, and C felonies respectively. The bill further provides for amendments to existing statutes covering Crime Victim Compensation, Forfeiture, Wiretapping, Organized Crime, Sex Offender Registration, and Deferred Acceptance of Pleas.

We have little argument with the justification for S.B. 2045, S.D. 1, to address human trafficking as a serious criminal offense. However, the proposed legislation put forward in this bill is where we begin to part company with the approach taken by this measure. Its core approach is one that focuses on a very narrow piece of the human trafficking process and exalts or emphasizes it statutorily in a manner which creates excessive complexity, confusion, and overlap with existing offenses in the Penal Code. While it is not our purpose here to provide a detailed, point by point analysis of S.B. 2045, S.D. 1, as provided by the Department of the Attorney General, we will focus instead on the problematic nature of the general construct of the new offenses proposed in this bill.

The primary premise of this bill appears to be that human trafficking, including both labor and sex trafficking, cannot and are not being effectively prosecuted in the state of Hawaii under existing statutes. The inference is that human trafficking in our state is being ignored or ineffectively prosecuted due to the lack of adequate statutory authority in our existing laws. Although Sexual Assault, Kidnapping, Promoting Prostitution, and Extortion statutes (class A and B felonies carrying 10 to 20 year sentences) are routinely being used to charge and convict individuals of forcing or maintaining women in prostitution, the perception provided in this measure is that it is not adequate. So instead of proposing improvements to our existing statutes to address whatever shortcomings that may exist, this bill would have you adopt a complex and poorly integrated proposal that would most likely make human trafficking cases more difficult to prosecute than easier. One is reminded of a "Rube Goldberg" device in which an extremely complex machine is designed to accomplish a relatively simple task. While improvements to

existing criminal statutes are always welcomed by our office we prefer to do so by simplest and most direct means. In this case we have inserted a copy of H.B. 1938 below, which contains the incremental improvements we believe to be desirable in responding to human trafficking cases. The measure which includes upgrades to the Promoting Prostitution and Kidnap statutes and amends the State Witness protection statute to insure that Promoting Prostitution is among the offenses given greatest priority when determining which cases will be provided the funding to house, relocate, and provide living expenses for witnesses. We believe these to be practical proposals built on the foundation of existing statutory and case law.

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE,
2010
STATE OF HAWAII

H.B. NO. 1938

A BILL FOR AN ACT

RELATING TO CRIME.

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

SECTION 1. Section 28-101, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The attorney general shall establish a statewide witness program through which the attorney general may fund or provide for the security and protection of a government witness or a potential government witness in an official proceeding or investigation where the attorney general determines that an offense such as those described in sections 710-1071 (intimidating a witness), 710-1072 (tampering with a witness), or 710-1072.2 (retaliating against a witness) is likely to be committed or which involves great public interest. The attorney general may also fund or provide for the security and protection of the immediate family of, or a person otherwise closely associated with, such witness or potential witness if the family

or person may also be endangered. In determining whether such security and protection or funds are to be provided, the attorney general shall give greatest priority to official proceedings or investigations involving pending or potential organized crime, racketeering activity, promoting prostitution, or career criminal prosecutions."

SECTION 2. Section 707-720, Hawaii Revised Statutes, is amended by amending subsection (3) to read as follows:

"(3) In a prosecution for kidnapping, it is a defense which reduces the offense to a class B felony that the defendant voluntarily released the victim, alive and not suffering from serious or substantial bodily injury, in a safe place prior to trial. This defense shall not apply to offenses charged under paragraph (1)(g)."

SECTION 3. Section 712-1202, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

"(2) Promoting prostitution in the first degree is a class [B] A felony."

SECTION 4. Section 712-1203, Hawaii Revised Statutes, is amended to read as follows:

"§712-1203 Promoting prostitution in the second degree.
(1) A person commits the offense of promoting prostitution in the second degree if the person knowingly advances or profits from [~~prostitution by managing, supervising, controlling, or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving~~]

the prostitution activity [by] of two or more prostituted persons.

(2) Promoting prostitution in the second degree is a class [C] B felony."

SECTION 5. Section 712-1204, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

"(2) Promoting prostitution in the third degree is a [~~misdemeanor~~] class C felony."

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

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

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

The proposed statutory changes H.B. 1938 are clearly warranted and consistent with the existing framework, philosophy, and intent of existing offenses within the Penal Code. The elements of Promoting Prostitution in the First Degree closely track the provisions of Sexual Assault in the First Degree, a class A felony. Both involve sexual assaults accomplished via violent means, with Promoting Prostitution requiring the added element of advancing or profiting from forced sexual activity, making it also clearly worthy of the proposed class A felony status. This equivalency applies equally to offenses that involve minors, which also elevates the classification of sex offenses. Upgrading Promoting Prostitution Second Degree to a class B felony is also warranted where multiple persons are being prostituted, demonstrating the defendant deeper involvement of the perpetrator in profiting from the misery of the victim. Finally, we believe that there is strong support for enhancing all Promoting Prostitution offenses to the felony level given the extensive injury caused to both the public and the prostituted person by this insidious offense. The inclusion of a provision to disallow the reduction of Kidnapping offenses from a class A to a class B felony where promoting prostitution is involved also logically flows from the same reasoning.

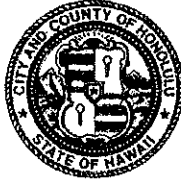
The proposal in H.B. 1938 also provides a practical means of promptly providing substantial aid for victims of Promoting Prostitution through the addition of the offense to the list of priority offenses covered by the Witness Protection and Security statute. Victims of this offense would therefore become eligible for financial assistance for food, lodging, and relocation costs as well as actual law enforcement protection. By utilizing an existing government program our proposal avoids the complexities and challenges of creating a new funding source for this purpose.

In evaluating the concepts and details of S.B. 2045, S.D. 1 all of those deputy prosecutors consulted felt that the proposed offenses would be difficult to prove and provide a variety of conflicts and overlaps with current statutes. The high risk of successful challenges to the proffered laws in this bill creates a significant disincentive for prosecutors to use this law if enacted. This, in fact, mirrors the experience in many other jurisdictions where complex human trafficking laws have been passed and state and local prosecutors have seldom used them. The deputy prosecutors in our Department have been very clear; the greatest problems in prosecuting human trafficking cases are evidentiary and witness problems, not statutory ones. In addition we have deep concerns about the mandates included in this bill, which despite their good intentions for assisting victims of human trafficking, raise serious concerns about potentially unconstitutional constraints imposed upon police and prosecutors in conducting the investigation and prosecution of criminal cases. These cases, particularly when they involve broad conspiracies designed to profit from human trafficking, are extremely complex from a legal perspective and often include extensive and detailed information about the numerous parties involved. Sorting through often conflicting pieces of information can take many months before a clear picture of the true nature of the crime emerges. Thus a "victim" may shift over time between being a victim and a co-conspirator. With such shifting perspectives that may transform daily (or hourly) it is disconcerting to consider the prospect that individuals who may be more perpetrator than victim would somehow be protected by this legislation. Furthermore the requirements for law enforcement to provide "rights" to the victims of the proposed new offenses without any clearly stated remedy when the mandates are not met suggest a potential for unlimited liability that would likely further deter any law enforcement agency from using this law.

Although we commend the extensive effort put into S.B. 2045, S.D. 1, it simply doesn't accomplish what it sets out to do. Like someone who has designed an elaborate addition onto a modest dwelling that overwhelms the original dwelling this proposal is legislative overkill. As an alternative we urge you to substitute the contents of H.B. 1938 (inserted into our testimony) for the bill's current provisions. Our laws in this area are in need of a scalpel, not a sledge hammer. Thank you for your time and consideration.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org



MUFI HANNEMANN
MAYOR

LOUIS M. KEALOHA
CHIEF

DELBERT T. TATSUYAMA
RANDAL K. MACADANGDANG
DEPUTY CHIEFS

OUR REFERENCE SN-NTK

March 16, 2010

The Honorable Jon Riki Karamatsu, Chair
and Members
Committee on Judiciary
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Karamatsu and Members:

Subject: Senate Bill No. 2045, S.D. 1, Relating to Crime

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

The Honolulu Police Department opposes Senate Bill No. 2045, S.D. 1, Relating to Crime. These criminal offenses are adequately covered by the current statutes, and we have successfully investigated cases involving such offenses. The cases were successfully prosecuted under the current statutes, resulting in lengthy jail terms.

The Honolulu Police Department urges you to oppose Senate Bill No. 2045, S.D. 1, Relating to Crime.

Thank you for the opportunity to testify.

Sincerely,

APPROVED:


SEAN C. NAITO, Captain
Criminal Investigation Division

FOR


LOUIS M. KEALOHA
Chief of Police



CHARMAINE TAVARES
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT
COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411



GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

March 15, 2010

The Honorable Jon Riki Karamatsu, Chair
And Members of the Committee of the Judiciary
The House of Representative
State Capitol
Honolulu, HI 96813

Re: S.B. No. 2045, Relating to Crime

Dear Char Karamatsu and Members of the Committee:

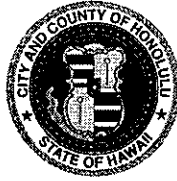
The Maui Police Department opposes S.B. No. 2045, Relating to Crime. These criminal offenses are adequately covered by the current Hawaii Revised Statutes. Under the current statutes, we can successfully investigate and prosecute said offenses that will result in lengthy jail terms.

The Maui Police Department asks for your support to oppose S.B. No. 2045.

Thank you for the opportunity to testify.

Sincerely,

pn: GARY A. YABUTA
Chief of Police



HAWAII KAI NEIGHBORHOOD BOARD

Resolution in Support of Legislation to Prevent Human Trafficking

GREG KNUDSEN
At-Large
Chairperson

ELIZABETH REILLY
At-Large
Vice Chairperson

FRANK DE GIACOMO
At-Large

RENÉ GARVIN
At-Large

ROBERT CLARK
Subdistrict #1

MARIAN GREY
Subdistrict #2

CARL MAKINO
Subdistrict #3

MAXINE RUTKOWSKI
Subdistrict #4

GARY WELLER
Subdistrict #5

(vacant)
Subdistrict #6

AMY MONK
Subdistrict #7

(vacant)
Subdistrict #8

DAVID TANABE
Subdistrict #9

AARON ISGAR
Subdistrict #10

WAYNE LEVY
Subdistrict #11

Hawaii Kai
Neighborhood Board No. 1
c/o Neighborhood Commission
530 So. King St., Rm. 406
Honolulu, Hawaii 96813
Phone: (808) 768-3710
Fax: (808) 768-3711

Web Pages:
• www.honolulu.gov/nco/nb1
• HKNB.org

Hawaii Kai Neighborhood
Board meets the last Tuesday
of every month (except Dec.),
7 p.m., Hahaione Elementary
School cafeteria. The public is
welcome to attend.

WHEREAS, the rise in human trafficking among international and domestic trafficked persons is increasing in Hawaii, adversely affecting the image of the state and therefore tourism and the economy; and,

WHEREAS, existing legislation and law enforcement activities in Hawaii are ineffective to deter human trafficking. Effective deterrents require bringing traffickers, and patrons or "Johns" who solicit services from trafficked persons, to justice; and,

WHEREAS, the Intermediate Court of Appeals recently ruled that Hawaii's street prostitution statute is ineffective when applied to penalties for patrons or "Johns," and that the Legislature intended to exclude a patron of a prostituted person from criminal liability; and,

WHEREAS, no comprehensive, victim-centered law exists in Hawaii that effectively penalizes the range of offenses involved in the trafficking scheme, to create a significant and effective penal deterrent to traffickers and patrons, while recognizing and protecting the needs and rights of trafficked persons; and,

WHEREAS, existing state laws fail to protect victims of trafficking, who are often in Hawaii without proper documentation for falsified identification and are frequently punished instead of the traffickers themselves; and,

WHEREAS, trafficked persons also often find it difficult or impossible to report the crimes committed against them or to assist in the investigation and prosecution of these crimes because they are subjected to coercion and intimidation, including physical or psychological control and debt bondage, and often fear retribution; and,

WHEREAS, adequate services and facilities do not exist in Hawaii to meet the needs of trafficking victims for health care, housing, education, medical services, and legal assistance, which safely support the recovery and ability of trafficked persons to regain control of their lives and also to assist with the prosecution of traffickers; and,

WHEREAS, in order to deter human trafficking, Hawaii must recognize that trafficking is a serious offense, which is done by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting, rather than punishing, the victims of these offenses; and,

WHEREAS, the Hawaii State Legislature must enact a Human Trafficking statute compatible with existing state statutes as well as with the Wilberforce Act (Trafficking Victim's Protection Act) to allow local law enforcement and city prosecutors to effectively combat the growing problem of human trafficking which is a contemporary manifestation of slavery, to ensure the just and effective punishment of traffickers and to protect the human rights of trafficked persons; and,

WHEREAS, the Pacific Alliance to Stop Slavery has drafted a bill for the 2010 legislative session to enact a state human trafficking statute to effectively address and combat the crime of human trafficking in Hawaii, compatible with federal statutes; now, therefore,

BE IT RESOLVED, that the Hawaii Kai Neighborhood Board No. 1 urges the State Legislature, the Governor of Hawaii, and the Mayor of the City and County of Honolulu and its relevant departments to support, to enact, and to enforce the human trafficking legislation as proposed by the Pacific Alliance to Stop Slavery by: (1) Passing the bill enacting a state human trafficking statute, as drafted and provided by the Pacific Alliance to Stop Slavery; and (2) Making the introduction and expeditious hearing and passage of this bill a priority in the next 2010 legislative session.

BE IT FURTHER RESOLVED, that copies of this Resolution be transmitted to the Governor of the State of Hawaii, Hawaii State Legislature, Mayor of the City and County of Honolulu, Honolulu City Council, all Neighborhood Boards, and the Pacific Alliance to Stop Slavery for distribution to all other interested parties.

Approved unanimously by the Hawaii Kai Neighborhood Board on June 30, 2009


Greg Knudsen, Chairperson



Tuesday, March 16, 2010 at 2:15pm
Conference Room #325, State Capitol

ATTN: Committee on Judiciary
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses;
Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

The Downtown Neighborhood Board held a hearing on the issue of human trafficking. After testimony and many questions the Board voted unanimously to endorse efforts to stop human trafficking in Hawaii, which is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

We urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffic women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Please pass SB2045 SD1.

Sincerely,

Frank Lavoie
Chair
Downtown Neighborhood Board #13



Email to: JUDTestimony@Capitol.hawaii.gov
Hearing on: March 16, 2010 @ 2:15 p.m.
Conference Room 325
1 Copy needed

DATE: March 15, 2010

TO: House Committee on Judiciary
Representative Jon Karamatsu, Judiciary Chair
Representative Ken Ito, Judiciary Vice-Chair

FROM: Dennis Arakaki, Executive Director

RE: SB 2045 Relating to Crime

Honorable Chair Karamatsu, Vice Chair Ito and members of the House Judiciary Committee, I am Dennis Arakaki, **representing both the Hawaii Family Forum and the Hawaii Catholic Conference.**

Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of over 250 Christian churches. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in Hawaii, which under the leadership of Bishop Larry Silva, represents over 220,000 Catholics in Hawaii. We support the intent of SB 2045 SD1 which establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses. Hawaii Family Forum and Hawaii Catholic Conference certainly believe that those who engage in Human Trafficking should be prosecuted to the full extent of the law and there should be maximum effort to prevent the occurrence of such a heinous crime, especially when it involves under-aged victims.

However, we are concerned with the issues raised by the Attorney General's office and the City and County of Honolulu Department of Prosecuting Attorney's testimony that the bill in its current form may provide for lesser offenses and in some cases, make prosecution more difficult. We recognize and acknowledge the amendments made by the Senate Judiciary Committee to focus the bill on Human Sexual Trafficking and making the crime of sexual trafficking of youth a priority. We also agree that removing mandatory minimums for trafficking under-aged victims will allow for discretion by sentencing judges but also leaves options for future consideration.

Hawaii Family Forum and Hawaii Catholic Conference believe that this is very important bill for the protection of our young people from here and abroad. It deserves much discussion to assure that the law will have maximum impact, especially to deter the heinous crime of human trafficking, especially for youth. We would also support the establishment of a task force to evaluate the law's effectiveness or for further discussion should the bill not pass or is vetoed.

Mahalo for the opportunity to testify.

VOLUNTEER STAFF
(Girl Fest)

Kathryn Xian
Non-Executive Director

Stephanie Tolentino
Co-Director

Veronica Garcia
Workshop Coordinator

Eri Oura
Coordinator

Lauren Valle
Art Gallery Coordinator

Robbieana Leung
Film Coordinator

Shonna Hammon Glenn
Art Gallery Coordinator

Valerie McDougal
Film Coordinator

Dawn Shin
Sponsorship Coordinator

Gina Cardazone
Publicity Coordinator

**BOARD OF
ADVISORS**

Sonia Sanchez
Author/Scholar

Jessica Neuwirth
Equality Now

Derek Ellerman
Polaris Project

Puanani Burgess
Pu'a Foundation

Dr. Kathy Ferguson
UHM Women's Studies

Meleanna Meyer
Filmmaker/Artist

Dr. Susan Hippensteele
UHM Women's Studies

**BOARD OF
DIRECTORS**

Meg Filbey, Esq.

Harry Ramos
Poet

Hinaleimoana Wong
Hawaiian Instructor

Meredith Ing
Middle School Teacher

Jaymee Carvajal
Zang Pictures, San Diego

Weston Willard
High School Teacher

Date: February 5, 2010

ATTN: House Committee on Judiciary

Rep. Jon Riki Karamatsu, Chair

Rep. Ken Ito, Vice Chair

Rep. Della Au Bellati

Rep. Rida Cabanilla

Rep. Mele Carroll

Rep. Robert N. Herkes

Rep. Sylvia Luke

Rep. Angus L.K. McKelvey

Rep. John M. Mizuno

Rep. Hermina Morita

Rep. Blake K. Oshiro

Rep. Joseph M. Souki

Rep. Clift Tsuji

Rep. Glenn Wakai

Rep. Barbara C. Marumoto

Rep. Cynthia Thielen

HEARING DATE: Tuesday, March 16th 2010

HEARING TIME: 2:15pm

PLACE: Conference Room 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

SB2045 SD1 does not pose a "Modica" violation of duplication of statutes with existing laws, as brought forth explicitly by the legal analysis of Davis Polk & Wardwell (see attached with State v.



**The 7th Annual
GIRL FeST Hawaii**
Multimedia Festival
A program of
The Safe Zone Foundation
November 2010
Honolulu, Hawaii
www.girlfeshawaii.org

Modica decision). This analysis clarifies the situation in which a Modica violation would occur. SB2045 SD1 excludes itself from Modica issues because of many reasons including the element of difference from Promoting Prostitution: transportation with intent to advance prostitution, the element of fraud/deception, "debt bondage," withholding identification, and control of illicit substances, among others with in intent to prostitute a person. All these elements of proof are not included in the existing Promotion Prostitution statutes and therefore exempt SB2045 SD1 from any danger of duplicating statutes.

Furthermore, current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

Other cases exemplifying the inadequacy of existing Promoting Prostitution statutes when applied to sex-trafficking include:

1. 09-326022/Promoting Prostitution 3rd
Suspect: Clarence Moten
Synopsis: Suspect befriended female in Dallas Texas. Bought her a ticket to come to Hawaii under pretense of a birthday gift. Upon arrival on her birthday, placed her on the street as a prostitute. No direct coercion or threat. Enticement or Fraud is not covered in Promoting Prostitution in the 1st Degree. Only the misdemeanor charge of Promoting Prostitution in the 3rd was applicable. Suspect Posted bail of \$250 and is free and prostituting women in Waikiki and Downtown.
2. 09-086789/Promoting Prostitution 1st
Suspect: Joseph Vaimili
Synopsis: Victim was recruited by a suspect in Dallas Texas. Transported over to Honolulu to work as a prostitute. Victim ran away from the suspect and was picked up by another "pimp" (Vaimili) via a prostitute and was forced to work for him as a prostitute. Vaimili put a loaded gun in victim's mouth and threaten to kill her. Vaimili was charged with Promoting Prostitution in the 1st. The suspect who transported her over from Dallas was not identified at this time but would only be charged with Promoting Prostitution in the 3rd, a misdemeanor. The jailed pimp/trafficker Vaimili posted bail and is free. Victim is unreachable.
3. Kidnapping, Sex Assault 1, Promoting Prostitution 1st (2005)
Suspect: Jason Smith and Martez Djuan

Synopsis: Two men raped a 15-year-old girl over two days, told her she was their "property" and forced her into prostitution for two days in a hotel room before she managed to escape. Prosecutors dropped the case.

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,



Kathryn Xian
Executive Director

Encl.

Davis Polk Wardwell on State v. Modica
State v. Modica decision

DAVIS POLK & WARDWELL LLP

Date: September 1, 2009
To: Equality Now
From: William J. Fenrich, Zachary D. Shankman, Joanna C. Weiss,
Ashley Gorski (Law Clerk), Kevin Satter (Law Clerk) *
Re: Analysis of Proposed Hawaii Human Trafficking Legislation in
Light of Modica

The purpose of this memorandum is to address potential conflicts between proposed Hawaii human trafficking legislation, H.B. No. ****, and the Hawaii Supreme Court's decision in State v. Modica, 567 P.2d 420 (Haw. 1977). You have asked us to provide an assessment as to whether Modica prohibits the passage of H.B. No. ****. In the past, attempts to enact human trafficking legislation in Hawaii have met with opposition due to a perceived conflict with the Modica decision. This memo discusses Modica and explains why it is not contravened by H.B. No. ****. Modica forbids differently-graded crimes from requiring the exact same elements of proof. The proposed crime of human trafficking incorporates other crimes, such as prostitution, and adds a transportation element. Because the proposed legislation adds an additional element (the transportation element) to existing crimes, it will not have the exact same elements of proof as any other crime. While there will be overlap between elements of the proposed legislation and existing crimes, Modica does not prohibit statutory overlap; rather, the decision supports prosecutorial discretion where crimes have overlapping elements. Moreover, statutory overlap and lesser-included crimes are common in both state and federal law.

I. Overview of H.B. No. ****

H.B. No. **** would codify a new crime of human trafficking that includes two main aspects: sex trafficking, and trafficking persons for labor or services. The bill also creates the new crimes of managing persons who have been trafficked, and paying trafficked persons for sex or labor. See H.B. No. ****, 27th Leg., Reg. Sess. (Haw. 2010).

* As you know, the lawyers who worked on this memorandum are not licensed to practice law in the State of Hawaii. Any final determinations you make with respect to the Hawaii law issues under consideration should, accordingly, have the benefit of input from a Hawaii lawyer; we therefore would recommend that you also consult Hawaii counsel.

A. Prior Attempts to Pass a Human Trafficking Bill

In 2007, Equality Now sponsored H.B. No. 1784, a precursor to H.B. No. ****. Some state legislators opposed H.B. No. 1784 on the basis of a perceived conflict with the Hawaii Supreme Court's decision in State v. Modica, 567 P.2d 420 (Haw. 1977). Two subsequent versions of H.B. No. 1784 also met legislative resistance. Furthermore, in March 2007, the Hawaii Department of the Attorney General raised Modica-related concerns about the proposed legislation in a senate committee hearing.¹

B. Current Version of the Trafficking Bill

In response to these concerns, unlike previous iterations of this bill, H.B. No. **** defines human trafficking so that transporting a person or assisting in transport is an essential element of the crime. The transportation element acts as a "plus factor" and distinguishes human trafficking in the first, second, and third degrees from all other crimes in the Hawaii Revised Statutes.

H.B. No. **** defines the crime of human trafficking in the first degree as:

[T]ransport[ing], aid[ing], assist[ing], or caus[ing] to be transported any person into, through, within, across, or out of the State knowing that:

(a) The person will engage in prostitution, labor, or services that will be obtained, maintained, or advanced by any of the following methods: (i) Extortion as defined in section 707-764; (ii) Kidnapping as defined in section 707-720; (iii) Unlawful imprisonment as defined in sections 707-721 and 707-722; (iv) Force, threat, or intimidation; (v) Deception, as defined in section 708-800, or fraud . . . [or other prohibited methods]; or

(b) The person will engage in prostitution or activity as an erotic or nude massager or exotic or nude dancer, as defined by section 712-1210, or in the production of child pornography, as defined in section 707-750; provided that

¹ The Department of the Attorney General stated that it believed that "the proposed offense of Human Trafficking [was] problematic because it attempt[ed] to create trafficking crimes that have already been established under our current penal code." It was concerned that "most of the new proposed crimes are the same or very similar to existing extortion, kidnapping, child abuse and promoting prostitution offenses. The significant overlap with existing offenses raises concerns that the proposed, higher grade offenses will violate the 'Modica Rule.'" Amendments to Facilitate the Prosecution of Offenses Relating to "Human Trafficking": Hearing on H.B. 2212, S.D. 1 Before the State H. Comm. on Human Services and Housing, 2008 Leg., 24th Sess. (Haw. 2008) (statement of the Department of the Prosecuting Attorney of the City and County of Honolulu), available at http://www.capitol.hawaii.gov/session2008/Testimony/SB2212_SD1_HSH_LATE_03-11-08_.pdf (quoting testimony submitted by the Department of the Attorney General at a Senate Committee on Judiciary and Labor hearing on H.B. No. 1784, H.D. 2, on March 16, 2007).

this paragraph shall apply only where the person transported is under the age of eighteen.

H.B. No. ****, 27th Leg., Reg. Sess. (Haw. 2010).²

Under the proposed legislation, human trafficking in the second degree prohibits managing trafficked persons, and human trafficking in the third degree prohibits paying for trafficked sex or labor. Further, human trafficking is added to existing statutory provisions that define crimes for which property is subject to forfeiture, crimes for which a prosecutor may seek an application for a court order to intercept communications, “violent crimes,” “organized crime,” and “racketeering activity.” H.B. No. ****, 27th Leg., Reg. Sess. (Haw. 2010) (modifying HAW. REV. STAT. §§ 351-32, 712A-4, 803-44, and 842-1).

II. H.B. No. **** Does Not Run Afoul of Modica

The “Modica rule,” as set forth by the Hawaii Supreme Court, provides that two differently-graded crimes cannot require precisely the same elements of proof. State v. Modica, 567 P.2d 420, 422 (Haw. 1977). Modica does not bar the passage of H.B. No. **** for two reasons: (1) the proposed legislation contains a transportation element that distinguishes it from existing crimes; (2) Modica specifically supports prosecutorial discretion in the context of overlapping statutes and lesser-included offenses. Overlapping statutes and lesser-included crimes are commonplace in Hawaii and federal law.³ Thus, overlap between H.B. No. **** and other crimes does not present a Modica problem.

A. Background on Modica

In Modica, police found the defendant in possession of a loaded revolver without a permit. 567 P.2d at 421. The defendant could have been charged with carrying a loaded firearm on a public highway, a misdemeanor offense. Id. Instead, the prosecutor charged him with the felony crime of carrying a revolver on his person, and a jury found the defendant guilty of the felony. Id. On appeal, the defendant argued that because the two statutes prescribed different punishments for the same act, his conviction under the felony statute deprived him of due process and equal protection of the law. Id. The Hawaii

² Statutory language quoted in this memorandum is from the Legislative Reference Bureau draft dated July 2009, attached as Exhibit A.

³ A “lesser included offense” is “an offense that is (1) ‘included’ in a charged offense, within the meaning of HAW. REV. STAT. § 701-109(4), and (2) ‘of a class and grade lower than the greater [charged] offense’” Hawaii v. Wallace, 910 P.2d 695, 728 (Haw. 1996). HAW. REV. STAT. § 701-109(4) provides that an offense is included when:

- (a) It is established by proof of the same or less than all the facts required to establish the commission of the offense charged; or
- (b) It consists of an attempt to commit the offense charged or to commit an offense otherwise included therein; or
- (c) It differs from the offense charged only in the respect that a less serious injury or risk of injury to the same person, property, or public interest or a different state of mind indicating lesser degree of culpability suffices to establish its commission.

Supreme Court found no violation of the defendant's rights, because, although the elements of the crimes overlapped, they were not exactly the same. *Id.* at 421-22. The elements differed in that the felony crime required proof that the defendant carried an unlicensed pistol on the person, whereas the misdemeanor crime only required proof that a person possessed an unlicensed firearm on a public highway. *Id.* Thus, the court noted, the carrying of a pistol within a vehicle, but not on the person, would violate the misdemeanor statute but not the felony one. *Id.* at 422. The *Modica* Court also explicitly stated that an accused's act may be punishable under more than one statute. *Id.*

Modica does prohibit a statutory scheme in which "the same act committed under the same circumstances is punishable either as a felony or a misdemeanor, under either of two statutory provisions, and the elements of proof essential to either conviction are *exactly the same.*" *Id.* at 422 (emphasis added). Even assuming that this holding applies to all differently-graded offenses, and not simply felonies and misdemeanors,⁴ a defendant's rights are denied "only if a violation of [the lesser grade offense] would *invariably and necessarily* constitute a violation of [the greater grade offense]." *Id.* at 421 (emphasis added).

Since *Modica*, only a handful of cases have opined on the possible conflict between the so-called "*Modica* rule" and a particular statutory scheme. See *Hawaii v. Apao*, 24 P.3d 32, 39 (Haw. 2001) (finding that an action can either represent separate culpable acts or a continuous course of conduct, but not both); *Hawaii v. Hau Van Hoang*, 947 P.2d 360, 370-71 (Haw. 1997) (finding that interrelationship between two drug statutes violates the *Modica* rule when it is undisputed that "distribution" takes place by way of a "sale"; however, because defendant was charged with the lesser crime, there was no *Modica* violation); *Hawaii v. Arceo*, 928 P.2d 843 (Haw. 1996) (determining that if sexual assaults were both continuous and distinct, it would violate the *Modica* rule); *Hawaii v. Aluli*, 893 P.2d 168, 175-76 (Haw. 1995) (Levinson, J., concurring) (noting that prosecutor's argument about the fungibility of "possesses" and "distributes" would lead to a *Modica* problem). These conflicts are distinguishable from the relationship between H.B. No. **** and existing statutes in the Hawaii Revised Code.

B. The Transport Element Distinguishes Human Trafficking from All Other Crimes, as *Modica* Requires

Consistent with *Modica*, H.B. No. **** does not create a statutory scheme in which a violation of a lesser-grade offense would "invariably and necessarily" constitute a violation of the greater-grade offense. *Modica*, 567 P.2d at 421. Rather, this bill includes some potentially overlapping or lesser-included crimes. Because none of these other crimes has a transportation element, it is always possible for one to commit the lesser-grade crime without committing the higher-grade offense of human trafficking. For example, a person who commits kidnapping under Hawaii law could only be charged with human trafficking in the first degree if, *in addition to kidnapping another person*, the

⁴ See *Hawaii v. Friedman*, 996 P.2d 268, 279-80 (Haw. 2000) ("[a]ssuming, arguendo, that *Modica* applies analogously where the punishment under different statutory provisions involves a misdemeanor and petty misdemeanor").

offender “transports, aids, assists, or causes to be transported” the kidnapped individual, with knowledge that the individual will engage in prostitution, child pornography production, or activity as an erotic massager or dancer, and where the transported individual is under eighteen; or with knowledge that the individual will engage in prostitution, labor, or services advanced by one of nine enumerated methods of force, coercion, or deception. H.B. No. **** 27th Leg., Reg. Sess. (Haw. 2010). (Kidnapping, as defined in HAW. REV. STAT. § 707-720, is one of these enumerated methods.) Similarly, one promotes prostitution in the first degree by compelling a person “by force, threat, or intimidation to engage in prostitution,” see HAW. REV. STAT. § 712-1202, but because this crime does not necessarily involve transportation, the perpetrator will not “invariably and necessarily” violate any of the proposed human trafficking offenses. Modica, 567 P.2d at 421.

The existence of a transportation element in the definition of “human trafficking” makes the proposed crimes unique. This additional, discrete element absolves the legislation of any problems under Modica. This resolves Modica-related concerns raised about this legislation in 2007 by the Department of the Attorney General, which was considering a version of the bill that did not make “transport” an essential element of the crime of human trafficking.⁵ The current version remedies this alleged infirmity.

C. Modica Specifically Endorses Prosecutorial Discretion Where Statutes Overlap

Modica states that a prosecutor has discretion to charge an individual under either of two overlapping statutes, and Hawaii courts have repeatedly reiterated this principle. “Statutes may on occasion overlap, [and] . . . it is generally no defense to an indictment under one statute that the accused might have been charged under another. . . . Under those circumstances, the matter is necessarily and traditionally subject to the prosecuting attorney’s discretion.” Modica, 567 P.2d at 422. The existence of prosecutorial discretion in the face of overlapping statutes and lesser-included offenses is an established principle of Hawaii law. State v. Lagat, 40 P.3d 894, 901 (Haw. 2002); see also, e.g., State v. Mendonca, 711 P.2d 731, 734 (Haw. 1985); State v. Rabago, 686 P.2d 824, 826 (Haw. 1984); State v. Kuuku, 595 P.2d 291, 294 (Haw. 1979) (“[I]t is settled criminal law that where a single act violates more than one statute, the State may elect to proceed against the accused under either statute.”).

Hawaii statutory law similarly affirms the existence of prosecutorial discretion: “When the same conduct of a defendant may establish an element of more than one

⁵ To the extent the Department of the Attorney General was concerned with statutory “overlap,” as opposed to whether the elements were “exactly the same,” its concern may have been misguided. See supra note 1. Statutory overlap is common, and Hawaii and federal statutory schemes provide for prosecutorial discretion in such cases. See infra Part II.C and Part III.

offense, the defendant may be prosecuted for each offense of which such conduct is an element.”⁶ HAW. REV. STAT. § 701-109(1).

III. Lesser-Included Offenses Are Common in Hawaii and in Other Jurisdictions

Complex crimes, such as human trafficking, are often composed of numerous criminal elements – each of which might be criminalized separately under various statutes (e.g., prostitution and extortion) – but when committed together constitute a unique offense. Criminalizing this unique offense does not violate *Modica*. Indeed, there are numerous examples of lesser-included offenses under Hawaii and federal law. Moreover, a super-majority of states have passed human trafficking statutes. Their statutes, like H.B. No. ****, criminalize conduct that, in certain instances, can also be prosecuted under other statutes.

A. Lesser-Included Offenses Are Common Under Hawaii Law

Lesser-included offenses are prevalent in all areas of Hawaii criminal law, ranging from sexual assault to drug dealing to criminal trespass to attempted murder. See *State v. Kinnane*, 897 P.2d 973 (Haw. 1995) (sexual assault in the fourth degree is an included offense of attempted sexual assault in the second degree); *State v. Rumbawa*, 17 P.3d 862 (Haw. Ct. App. 2001) (reckless endangering in the first degree is an included offense of attempted murder in the second degree); *State v. Rullman*, 896 P.2d 944 (Haw. Ct. App. 1995) (distribution of marijuana in any amount is a lesser-included offense of the statute that prohibits distribution of one ounce or more of a substance containing marijuana); *State v. Williams*, 708 P.2d 834 (Haw. Ct. App. 1985) (criminal trespass in the first degree is a lesser-included offense of burglary in the first degree).

B. Statutory Overlap Is Common Under Federal Law

Similarly, federal criminal law contains numerous examples of complex crimes that ostensibly overlap with other federal crimes. One simple example is 18 U.S.C. § 111(b), which criminalizes the assault of a federal officer with use of a deadly weapon or inflicting bodily injury. Many federal crimes satisfy some (but not all) of the elements of 18 U.S.C. § 111(b). For example, an assault on a process server under 18 U.S.C. § 1501 would overlap with 18 U.S.C. § 111(b) in that both crimes involve assaulting a federal officer, but the perpetrator could not be charged under 18 U.S.C. § 111(b) unless the crime involved a deadly weapon or the infliction of bodily injury. See *United States v. Gonzalez*, 122 F.3d 1383 (11th Cir. 1997). Similarly, simple assault and simple battery would overlap with – but would not invariably result in a violation of – 18 U.S.C. § 111(b). See *United States v. Bey*, 667 F.2d 7 (5th Cir. 1982); *United States v. Knife*, 592 F.2d 472 (8th Cir. 1979).

⁶ This discretion is not unlimited, however. In certain instances, a defendant may not be convicted of two offenses, such as when one offense consists only of a conspiracy or solicitation to commit the other. See HAW. REV. STAT. § 701-109(1)(a)-(e) (outlining circumstances in which a person cannot be convicted of two offenses). These limits do not constrain H.B. No. ****.

C. Other States Have Passed Similar Human Trafficking Laws

Forty-two states have criminalized human and/or sex trafficking as a felony.⁷ Indeed, the U.S. Department of Justice has encouraged states to adopt comprehensive anti-trafficking legislation to expand the pool of prosecutors and investigators combating human trafficking, and to provide for seamless cooperation with federal authorities and federal law.⁸

Each of the forty-two states' laws involves lesser-graded crimes or overlapping statutes. For example, Florida had a preexisting statute deeming it unlawful to "force, compel, or coerce another to become a prostitute." FLA. STAT. ANN. § 796.04(1). Florida's 2004 trafficking legislation overlaps with § 796.04(1) by defining as a trafficker anyone who "knowingly recruits, entices, harbors, transports, provides, or obtains by any means a person, knowing that force, fraud, or coercion will be used to cause that person to engage in prostitution." *Id.* § 796.045.

Similarly, in California, the Legislative Counsel's Digest prefaces the state's trafficking legislation, CAL. PENAL CODE § 236.1; with the following:

Existing law establishes the offenses of slavery and involuntary servitude. Existing law also makes it an offense to entice an unmarried female minor for purposes of prostitution, as specified, or to aid or assist with the same, or to procure by fraudulent means, any female to have illicit carnal relations with any man. Existing law also makes it a crime to take away any minor as specified, for purposes of prostitution.

This bill would establish the crime of trafficking of a person for forced labor or services or for effecting or maintaining other specified felonies

2005 Cal. Legis. Serv. Ch. 240 (A.B. 22).

Like the proposed Hawaii legislation, the California statute not only created a new felony crime, but it also added human trafficking to other relevant sections of the penal code (e.g., as an act that constitutes "criminal profiteering activity"). CAL. PENAL CODE § 186.2.

⁷ This data is current as of April 2009. U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REPORT 2009 57 (2009), [available at](http://www.state.gov/documents/organization/123357.pdf) <http://www.state.gov/documents/organization/123357.pdf>.

⁸ CIVIL RIGHTS DIV., U.S. DEP'T OF JUSTICE, REPORT ON ACTIVITIES TO COMBAT HUMAN TRAFFICKING, FISCAL YEARS 2001-2005 61 (2006), [available at](http://www.usdoj.gov/crt/crim/trafficking_report_2006.pdf) http://www.usdoj.gov/crt/crim/trafficking_report_2006.pdf.

IV. Conclusion

H.B. No. **** does not conflict with Hawaii case law. This proposed legislation requires an element of knowing transportation, which distinguishes the crime of human trafficking from other crimes under Hawaii law and thus eliminates any potential violation of State v. Modica.

Kidwell, J., dissenting

drug distribution is carried on by persons who are licensed to possess and dispense the drug. So far as Appellant is concerned, the statute draws no line between a licit and an illicit distribution, if the authorization to distribute was extended to Appellant by a licensed person.

At the conclusion of this analysis, I find myself wondering whether the permissible inference, from these circumstances, that Appellant's supplier was not within one of the statutory categories was not too weak to support a conviction, regardless of what alternative inferences were also permissible. In any event, it seems clear that the circumstances permitted an inference that Appellant's supplier was a licensed person selling drugs in the more profitable illicit market. The reasonableness of this inference depends, I believe, in part on the strength of any contrary inference. Where the inference of guilt is nearly matched in weight by the inference of innocence, as it is here, I would conclude that the circumstances do not exclude a reasonable hypothesis of innocence. The motion to acquit should have been granted.

I would reverse the conviction.

Syllabus

STATE OF HAWAII, Plaintiff-Appellee v. TOMMIE MODICA, Defendant-Appellant

NO. 5889

APPEAL FROM CIRCUIT COURT OF THE FIRST CIRCUIT
HONORABLE WALTER M. HEEN, JUDGE

AUGUST 4, 1977

RICHARDSON, C.J., KOBAYASHI, OGATA,
MENOR AND KIDWELL, JJ.

CRIMINAL LAW — constitutional law — construction and operation — misdemeanor/felony — due process — equal protection.

Where the same act committed under the same circumstances is punishable either as a felony or as a misdemeanor, under either of two statutory provisions, and the elements of proof essential to either conviction are exactly the same, a conviction under the felony statute would constitute a violation of defendant's right to due process and the equal protection of the law.

SAME — statutory construction — essential element — carrying "on the person".

Where the carrying of a pistol or revolver on the person is an essential element of the conduct proscribed by the statute, the phrase "on the person" has been construed to mean physical connection with or attaching to the person.

SAME — same — indictment and information — defenses.

Statutes may on occasion overlap, depending on the facts of a particular case, but it is generally no defense to an indictment under one statute that the accused might have been charged under another.

SAME — same — same — prosecutor's discretion.

Where statutes overlap, depending on the facts of a particular case, the matter is necessarily and traditionally subject to the prosecuting attorney's discretion.

OPINION OF THE COURT BY MENOR, J.

The defendant was found guilty by a jury upon an indictment charging him with carrying a revolver without a permit or license to do so, in violation of HRS § 134-9. From the judgment and sentence of the trial court, the defendant appeals.

The operative facts are that the defendant was found with a loaded revolver, for which he had no permit, in the municipal parking lot at the corner of Smith and Pauahi Streets in the City and County of Honolulu. On the basis of these facts, he could have been charged for a misdemeanor under HRS

Opinion of the Court

§ 134-6,¹ for carrying a loaded firearm on a public highway, but he was charged instead with carrying a revolver on his person in violation of HRS § 134-9.²

The defendant does not contend that the two statutes are unconstitutionally vague, but he does assert that "[i]t is the arbitrary and unbridled discretion vested in the prosecutor which allows the prosecutor to charge the same conduct either as a felony, under HRS § 134-9, or as a misdemeanor, under HRS § 134-6, which violates the [defendant's] rights to the equal protection of the laws and due process of law." He argues that inasmuch as HRS § 134-6 and HRS § 134-9 prescribe different degrees of punishment for the same conduct committed under the same circumstances by similarly situated persons, his conviction and the entry of judgment against him pursuant to the terms of HRS § 134-9 violated his rights to due process of law and the equal protection of the laws.

We find no violation of the defendant's constitutional rights. A denial of these rights would be the result, only if a violation of the misdemeanor statute (HRS § 134-6) would invariably and necessarily constitute a violation of the felony provision (HRS § 134-9). *Palmore v. United States*, 290 A.2d 573 (D.C.App. 1972); *United States v. Coppola*, 425 F.2d 660 (2d Cir. 1969); cf. *State v. Canady*, 69 Wash.2d 886, 421 P.2d 347 (1966); *State v. Reid*, 66 Wash.2d 243, 401 P.2d 988

¹ HRS § 134-6, in pertinent part provides as follows:

"It shall be unlawful for any person to have in his possession or to carry on any public highway any firearm loaded with ammunition; provided that the provisions of this paragraph shall not apply to any person who has in his possession or carries a pistol or revolver and ammunition therefor in accordance with a license or permit issued, as provided in section 134-9.

Any person who violates any provision of this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both."

² HRS § 134-9, in pertinent part provides as follows:

"... No person shall carry concealed or unconcealed on his person a pistol or revolver without being licensed to do so under this section or in compliance with section 134-6.

Any person violating this section shall be imprisoned for a term of not less than two years nor more than five years, without probation."

Opinion of the Court

(1965); *State v. Reed*, 34 N.J. 554, 170 A.2d 419 (1961). Thus, where the same act committed under the same circumstances is punishable either as a felony or as a misdemeanor, under either of two statutory provisions, and the elements of proof essential to either conviction are exactly the same, a conviction under the felony statute would constitute a violation of the defendant's rights to due process and the equal protection of the laws. *Olsen v. Delmore*, 48 Wash.2d 545, 295 P.2d 324 (1956); *State v. Pirkey*, 203 Or. 697, 281 P.2d 698 (1955). We do not, however, find this to be the case here.

Carrying a pistol or a revolver on the person is an essential element of the conduct proscribed by HRS § 134-9, but it is not a requirement under the provisions of HRS § 134-6.³ The phrase "on the person" in a statute has been construed to mean physical connection with or attaching to the person. *Schraeder v. State*, 28 Ohio App. 248, 162 N.E. 647 (1928); *State v. Breckenridge*, 282 S.W. 149, 219 Mo.App. 587 (1926). Black's Law Dictionary (4th ed. 1976) defines the phrase "on the person" to mean "[i]n common parlance, . . . that [the article] is either in contact with his person or is carried in his clothing." Thus, the carrying of a pistol or revolver within a vehicle, not on the person, would constitute a violation of HRS § 134-6, but it would not be an offense under HRS § 134-9. See *Hampton v. Commonwealth*, 257 Ky. 626, 78 S.W.2d 748 (1934); Blashfield, Cyc. of Automobile Law and Prac., Perm. Ed., § 5528.88.

Statutes may on occasion overlap, depending on the facts of a particular case, but it is generally no defense to an indictment under one statute that the accused might have been charged under another. *Territory v. Awana*, 28 Haw. 546 (1925); *In re Converse*, 137 U.S. 624 (1891); *State v. Swan*, 55 Wash. 97, 104 P. 145 (1909). Cf. *State v. Travis*, 45 Haw. 435, 368 P.2d 883 (1962). Under those circumstances, the matter is necessarily and traditionally subject to the prosecuting

³ HRS § 134-6 also directs itself to all types of firearms, as defined in HRS § 134-1, as well as ammunition therefor, while the weapons covered by HRS § 134-9 are strictly limited to pistols and revolvers.

Syllabus

attorney's discretion. *Newman v. United States*, 382 F.2d 479 (D.C. Cir. 1967); *Hutcherson v. United States*, 345 F.2d 964 (D.C. Cir. 1965), cert. denied 382 U.S. 894.

Affirmed.

Steven J. Levinson (*Schutter, Levinson & O'Brien*) for defendant-appellant.

Randolph Slaton, Deputy Prosecuting Attorney (Michael Gibson, Deputy Prosecuting Attorney on the brief, Maurice Sapienza, Prosecuting Attorney, of counsel) for plaintiff-appellee.

STATE OF HAWAII, Plaintiff-Appellee, v. GLENN KALANI HORN, LARRY JAMES ORTIZ, Defendant-Appellants, and DELBERT KAAHANUI WAKINEKONA, Defendant

NO. 5901

APPEAL FROM CIRCUIT COURT OF THE FIRST CIRCUIT
HONORABLE MASATO DOI, JUDGE

AUGUST 5, 1977

RICHARDSON, C.J., KOBAYASHI, OGATA,
MENOR AND KIDWELL, JJ.

CRIMINAL LAW — *defense of necessity — rights of defendant.*

The defense of necessity in escape situations is available to the accused when specific and articulable conditions within the prison exist which seriously expose the prisoner to severe injury.

SAME — *same — sufficiency of evidence.*

There must be some support in the evidence that the danger existed, that the defendant was vulnerably exposed to the danger, and that the threatened harm to him was imminent.

Opinion of the Court

SAME — *same — circumstantial evidence.*

Whether the threat of harm was imminent, and whether the defendant was reasonable in his assessment of the situation and in acting as he did are to be determined from the facts and circumstances of the particular case.

SAME — *same — constitutional right — determination by jury.*

An accused is entitled to a jury determination of his guilt or innocence, and it is his constitutional right to present any and all competent matters in his defense.

SAME — *right to trial by jury — due process.*

A right to a trial by jury and the right to adduce evidence in his behalf are two of the fundamentals inherent in the due process guarantee of a fair trial.

SAME — *rejection of evidence — reversible error.*

It would be reversible error for the trial court to reject evidence which, if admitted, would present an essential factual issue for the trier of fact.

Per Curiam. The defendants, Horn and Ortiz, were indicted and convicted by a jury of the crime of escape in the second degree (HRS § 710-1021). They appeal from the judgment and sentence of the circuit court.

We are called upon to decide whether and to what extent the "choice of evils" or "necessity" defense (HRS § 703-302) is available to the accused in escape situations. We hold that the defense is available to the escapee provided certain conditions are met, and in this regard we adopt the rationale and the conditions imposed by *People v. Lovercamp*, 43 Cal.App.3d 823, 118 Cal.Rptr. 110 (1974), with one principal modification. In that case, the court held that a limited defense of necessity in escape situations is available to the accused if the following conditions exist:

- (1) The prisoner is faced with a specific threat of death, forcible sexual attack or substantial bodily injury in the immediate future;
- (2) There is no time for a complaint to the authorities or there exists a history of futile complaints which make any result from such complaints illusory;
- (3) There is no time or opportunity to resort to the courts;
- (4) There is no evidence of force or violence used towards prison personnel or other innocent persons in the escape; and

karamatsu1-Kenji

From: Tracy A Ryan [tracyar@hawaiiantel.net]
Sent: Saturday, March 13, 2010 12:31 PM
To: JUDtestimony
Subject: Testimony
Attachments: image001.jpg

The Libertarian Party of Honolulu County
c/o 1658 Liholiho St #205
Honolulu, HI 96822

TESTIMONY

RE: SB#2045, CD1 to be heard Tuesday, March 16, 2010 at 2:15PM in conference room #016

To the Members of the Senate Committee on Judiciary and Government Operations

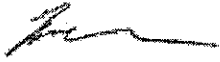
The Libertarian Party of Honolulu opposes passage of SB #2045. The bill has an unsettling mix of activities lumped together in the same penalty category. Non-criminal sexually-explicit activities are lumped with criminal ones. Actors guilty of negligence or deception are treated in the same manner as kidnappers. Many non-violent acts are added in to the violent crimes listing under 351-32. Under this bill things as minor as "facilitating" access to controlled substances which could involve sharing a marijuana cigarette would become serious felonies.

Perhaps the worst aspect of the bill is its foundation in the moral absolutism of radical feminism. Hawaii is blessed with a harm reduction community that includes a broad coalition of professional agencies with lots of first hand practical knowledge about the issues raised herein. These are the persons who should be at the table in discussing the alleged issues of trafficking, prostitution, and the best way to deliver social services.

The Hawaii Anti-Trafficking Task Force was set up by the legislature to address the needs for just such a law as SB#2045. None of the professional agencies working in harm reduction was given any representation on this committee. Even so the committee has not endorsed the efforts of one of its members, (Girlfest), that are represented by SB#2045. A widespread campaign of propaganda aimed at naïve young girls and Oahu's Neighborhood boards is all that is behind this effort. It is not supported by law enforcement, civil liberties groups, sex worker's rights organizations, or the many harm reduction oriented professional organizations that currently provide social services to the persons described in SB #2045 as victims.

We recommend this bill be amended by gutting its contents and replacing them with SB#2854. Senate Bill# 2854 would allow the counties to set up zones and create an environment that will begin to address the problems SB#2045 will not solve.

Sincerely:



Tracy Ryan

Oahu County Chair, The Libertarian Party of Hawaii

karamatsu1-Kenji

From: Tracy A Ryan [tracyar@hawaiiintel.net]
Sent: Tuesday, March 16, 2010 8:06 AM
To: JUDtestimony
Subject: testing
Attachments: image001.jpg

APPLE
c/o 1658 Liholiho St #205
Honolulu, HI 96822

LATE TESTIMONY

RE: SB#2045, CD1 to be heard Tuesday, March 16, 2010 at 2:15PM in conference room #325

To the Members of the Senate Committee on Judiciary and Government Operations

APPLE opposes passage of SB #2045 CD. This bill is a was hurriedly rewritten in the State Senate to address concerns of the Attorney General's office. It remains a mess. The bottom line is that there is no need for the bill at all. The law enforcement community has been more than clear on this point. Some specific problems:

707-A section (1).... The act includes legal activities that are "sexually-explicit" such as dancing in a strip club. The acts of transporting, aiding, assisting etc may not in themselves be crimes. They are considered crimes under 707-C (2) wherein the person acted "negligently or recklessly".

707-A section (1) (a) subsection (v)..."deception" which can be very broadly looked at is equated with kidnapping, extortion, and force. Simply suggesting to a person that they are best off working as a prostitute or a stripper rather than trying to find a job in the current economy is now a class A felony if some lies were told. How does this rise to the level of a class A felony?

707-A section (1) (a) subsection (vi)....under US law no one can be compelled to perform personal services under any contract. Only monetary damages can be sought. This clause makes it a class A felony for a stripper to enter into a contract to repay a debt based on her income from stripping. The debt is enforceable the method of repayment is not.

707-A section (1) (a) subsection (vii).... "causing or threatening financial harm to any person." In other words if a stripper quits while under contract the owner of the club cannot sue for any financial damages her action might have caused him. How is this a class A felony?

707-A section (1) (a) subsection (viii).... facilitating access to controlled substances. Facilitating can mean two addicts sharing drugs. It can mean passing a marijuana cigarette around. Again how is this a class A felony?

707-A section (1)(a) subsection (ix)....withholding a passport may be a tort under law, but without any of the actions described in subsections i though iv it hardly seems to warrant such severe penalties.

707-A section (1) (b) subsection.....no element of force, abuse, deception or anything else is required. Aiding and assisting means what actually? If a friend drops off a sex worker at their job site are they now to be considered in the same class as those who kidnap and extort because the sex worker is seventeen?

707-B... repeats many of the problems of 707-A. It is part of a scheme to abolish prostitution based on moral grounds by enhanced sentencing. 707-D...this section might make sense if the act of prostitution was no longer a crime. 351-32...violent crimes.....most of the acts listed under 707-A and 707-B do not require violence.



Tracy Ryan for APLE

Testimony of Jo-Ann M. Adams, Esq.

TESTIMONY IS SUPPORT OF SB2045 SD1

Date: March 14, 2010

ATTN: Committee on Judiciary

Rep. Jon Riki Karamatsu, Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno

Rep. Ken Ito, Vice Chair
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Clift Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010
HEARING TIME: 2:15 p.m.
PLACE: Conference Room 235

In support of SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes Class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear Chair Karamatsu and members of the Judiciary Committee:

Human Trafficking is a grave human rights offense¹, recognized both nationally and internationally. Hawaii is one of only 7 states² where Human Trafficking is not a felony.

I urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex. This bill addresses the growing problem of human trafficking in Hawaii and creates adequate punishments and effective identification systems to locate and protect victims.

Current state laws are inadequate, as highlighted recently by the federal sex-trafficking case of Rodney D. King, who faces 15 years to life in prison for trafficking. In this current case, King allegedly forced several women and two children to take crystal meth and then sexually exploited them for hire. (U.S. Department of Justice Press Release; 09-601; June 18, 2009).

In 1999, Hawaii brought King to trial for the same crime tried under our state prostitution laws. He received 30 months in prison and 3 years supervised release for his guilty plea!

Please pass SB2045 SD1. It represents an important step in Hawaii regaining its status as a state concerned about human rights and justice.

Jo-Ann M. Adams

¹ Watch the movie "TAKEN" with Liam Neeson for a glimpse into this horrific world. In the movie, Neeson's 18-year old daughter was kidnapped in Paris while touring Europe with a friend. I mention this because the film forcefully portrays how human trafficking is perpetrated on women and children tourists. It amply demonstrates that "it can't happen here", is a fallacy.

² The other 6 states: Alabama, Massachusetts, Ohio, South Dakota, West Virginia and Wyoming.

**SB 2045 -Tuesday March 16th 2010 at 2:15PM
Conference Rm. 325 - State Capitol
415 S. Beretania St.**

Amy Herchig
Registered Voter and President/Owner of Amy's Haven Massage Therapy

Dear Rep Jon Riki Karamatsu, Rep Ken Ito and other members of the House Judiciary Committee

I'm writing a testimony in support of the Human Trafficking Bill SB2045; that the bill is passed in a timely fashion.

DATE: Tuesday March 16th , 2010...
TIME: 2:15PM
**PLACE: Conference Room 325 State Capitol
415 South Beretania Street**

My Name is Amy Herchig and I am an LMT and the owner of a Amy's Haven Massage in Honolulu. I am writing to vociferously encourage the timely approval and support of SB2045.

Considering the massage therapy industry I'm sure you understand that I have experience dealing with the many faces of sex trafficking in Hawai'i. I am alarmed at the resistance by our state government regarding this issue.

First, sex trafficking affects my professional reputation as a legitimate massage therapist and bodyworker. Clients often attempt sex-related scenarios with legitimate therapists because there are so many other massage establishments that are fronts for prostitution using trafficked individuals. These establishments continue to flourish in Honolulu despite 'attempts' by the state to curb these behaviors. I find it disturbing that these places are allowed to exist in such great number. Are these establishments protected somehow? Do the women and men that work there deserve more time in prison then those responsible for bringing them here?

Second, I have interacted with women that have been kidnapped and forced into prostitution only to escape when they were older and better able to fend for themselves. One woman mentioned that she was kidnapped at the age of seven (within the state), she was not allowed out of the kidnapper's sight and forced to have sex with men her kidnapper lined up. Most of these women feel unprotected by Hawai'i state law enforcement and feel that there is considerable corruption. One woman mentioned that, when she told the police what happened to her, she was told not to tell anyone because it might get someone the police knew in trouble. Do these women deserve more time in prison then the ones that kidnapped them...someone stolen from her family when she was seven years old?

Third, I have been indirectly approached by lawyers to sub-lease my massage space to madames (the ones that manage the business of prostitution as well as the prostitutes themselves) because they needed a legitimate name under which to

work. I was told what my percentage would be should I decide to accept this offer. This is an example of the prolific nature of the problem and how embedded it is in the legal and political system in Hawai'i.

Finally, it appears that many politicians and law enforcement officials do not care or are protecting those that traffic adults and children in the State of Hawai'i. Otherwise, those that traffic human souls and the patrons that exploit those souls would be getting more time in prison, the massage parlor/prostitution business would lessen and there would be mandatory minimum sentences for traffickers and their patrons, victims would feel protected by law enforcement and the entire problem of trafficking would be reduced.

Kidnapping, purchasing, stealing, holding hostage, abusing (sexually or otherwise) is despicable and soul murdering to its victims. Once a person is trafficked and victimized (sexually or otherwise), his or her life is forever profoundly affected. What might have been possible in a victim's life is completely altered. The emotional and physical wounding resulting from the absolute objectification of being forced into prostitution is unfathomable and overwhelming. Yet the lives of traffickers remain virtually unaffected.

Wherever there is human suffering and poverty there will always be those that exploit. What are we going to do about that in the State of Hawai'i?

Pass SB2045. I vote for legislators that support legitimate, ethical, moral and responsible massage therapy practices for the State of Hawai'i.

Mahalo nui loa for your time.

Amy Herchig

Amy Herchig LMT, NCTMB. Massage Therapy Amy's Haven



Committee on Judiciary

Rep. Jon Riki Karamatsu, Chair
 Rep. Ken Ito, Vice Chair
 Rep. Della Au Bellati
 Rep. Rida Cabanilla
 Rep. Mele Carroll
 Rep. Robert N. Herkes
 Rep. Sylvia Luke
 Rep. Angus L.K. McKelvey
 Rep. John M. Mizuno
 Rep. Hermina Morita
 Rep. Blake K. Oshiro
 Rep. Joseph M. Souki
 Rep. Clift Tsuji
 Rep. Glenn Wakai
 Rep. Barbara C. Marumoto
 Rep. Cynthia Thielen

Hearing Date: March 16, 2010

Hearing Time: 2:15 pm

Place: Conference Room 325

SB2045 SD1 - RELATING TO CRIME - Human Trafficking Offenses; Crime
 Establishes class A and B felony sexual human trafficking offenses, and provisions
 related to prosecution of the offenses.

Dear Committee on Judiciary:

I stand before you today to urge the passage of SB2045. The term human trafficking conjures up images of international victims abducted and transported across country borders, people forced to labor under slave-like conditions. We think that trafficking is something that does not happen in our state or country, let alone our city. Let me assure you that that is not the reality. When we actually do see this problem, however under-the-radar it may be, we refuse to acknowledge it as human trafficking. I am urging you to change your attitudes as to what you may understand is trafficking.

Take a walk in Waikiki or Chinatown. You are likely to see prostitutes walking the streets. One might think that they are doing this out of free will, with no coercion or force. One who has researched trafficking will understand that the majority of prostitution is forced, and that, according to one pimp who was caught by the Dallas Police Department, states that "about 60% of the girls in prostitution are juveniles." One who watches the scene in Waikiki or Chinatown will, after a while, not just see prostituted persons, but begin to see scouts and pimps patrolling the area. This is not an industry run by free will. It is one run by force, manipulation, severe psychological and physical abuse, and its only purpose is to make money. It is nothing short of pure exploitation.

Go to Honolulu Craigslist and you will see countless listings under Adult Services. Dr. Sharon Cooper, consultant for the National Center for Missing & Exploited Children and speaker for a child prostitution training last year in Honolulu, quoted, "Make no mistake.

ALL of those advertisements are for prostitution." Not only are they all for prostitution, but there are several children on those ads, many of them runaways and throwaways. The Justice Department estimates that there are 300,000 US children engaged in prostitution, most of them runaways.

300,000 US children, Representatives. Yet we don't see these hundreds of thousands of federal cases for child trafficking. Why? We know that our federal law enforcement does a wonderful job, but we know that there is not enough staff for the magnitude of this problem. In Hawaii, there is only one victim specialist for the FBI, and that one person handles all the victims for federal cases- from identity theft to human trafficking. We know that it takes an incredible amount of time for an investigation to build a trafficking case, and that federal cases usually involve a ring of victims. But so many of these thousands of children (let alone adults) will continue to fall through the cracks.

What we need is the passage of a state human trafficking law. We need our local law enforcement to collaborate with the feds, and we need a database to start tracking high risk victims – our runaway and throwaway children. There are 4000 runaway children a year in Hawaii. We need to improve our system's response, and that can begin with the legislature. These are not victims that can be assisted by traditional social services. We need to make sure that the child who is 14 years old but looks 21 and is being sold on Craigslist every night does not get criminalized by law enforcement and taken to detention home, only to fall victim to a failed system and become prey for pimps and traffickers. We need you, our Representatives, to understand the dynamics of human trafficking, to know that prostitution is not a local problem, to know that Honolulu is one of the cities in the prostitution circuit in the US. Because of this, it is even more necessary to have a state law so that local communities, cities, and states can all work together to fight this dire problem.

I ask you, Representatives, please don't allow this bill to become a game of politics. Some may use the argument that states with human trafficking laws do not even use their law. Please be aware that those who prosecute cases choose them if they know they can be handled, rather than risking an untested law. Don't let the fear of others allow another year to go by without this pertinent law. Don't let more cases by real victims continue to be dropped over and over again. Your kokua and leadership is greatly needed on this to initiate the end of human trafficking in Hawaii.

Thank you for your time.

Sincerely,

Veronica Garcia
Pacific Alliance to Stop Slavery



1350 S. King Street • Suite 309 • Honolulu, Hawaii 96814 • www.pphi.org • Phone: 808-589-1156 • Fax: 808-589-1404

March 15, 2010

Testimony in Support: SB 2045 SD1, Related to Human Trafficking

To: Representative Jon Riki Karamatsu, Chair, Representative Ken Ito, Vice Chair, and Members of the House Committee on Judiciary
From: Katie Reardon, Vice President of Government & Public Affairs
Re: Testimony in Support of SB 2045 SD1

Thank you for hearing this important bill and for accepting my testimony. Planned Parenthood of Hawaii (PPH) supports the passage of SB 2045 Related to Human Trafficking. This bill creates a new criminal offense of Human Trafficking, proposes minimum mandatory sentences for traffickers and patrons of trafficked children, and provides protection to victims of human trafficking and commercial sexual exploitation.

The enormity of global human trafficking is unimaginable. Here in the United States, it is estimated that as many as 17,500 people are trafficked into the US every year, and most of these victims are women and children.¹ Every year thousands of American children become victims of commercial sexual exploitation. According to the University of Pennsylvania, between 244, 000 and 325, 000 American children each year are at risk of sexual exploitation and sexual trafficking.²

Despite these alarming numbers, Hawaii has yet to define human trafficking as a criminal offense. Victims of trafficking are often labeled as 'prostitutes' and subject to criminal prosecution themselves. The lack of laws protecting these victims not only perpetuates trafficking, but leaves victims with few places to turn for protection of their safety and health.

At PPH, we believe in the right to sexual and reproductive self-determination that is non-coercive, non-exploitive, and responsible. Therefore, we support SB 2045 as a meaningful step toward protecting victims and fighting against human trafficking in our state. Please pass this bill out of your committee. Thank you.

¹ *US Department of State Trafficking in Persons Report, 2006*

² *The Commercial Sexual Exploitation of Children In the U. S., Canada and Mexico, University of Pennsylvania, 2002.*

Honolulu Health Center
1350 S. King Street, Suite 310
Honolulu, HI 96814
808-589-1149

Kailua Kona Health Center
75-184 Hualalai Road, Suite 205
Kailua Kona, HI 96740
808-329-8211

Kahului (Maui) Health Center
140 Ho'ohana Street, Suite 303
Kahului, HI 96732
808-871-1176
(A Maui United Way Agency)

karamatsu1-Kenji

From: Suzanne Artley [suzanne@surfingthenations.com]
Sent: Monday, March 15, 2010 9:49 PM
To: JUDtestimony
Subject: no to human trafficking

TEMPLATE FOR HOUSE JUDICIARY HEARING

Date: March 13, 2010

ATTN: Committee on Judiciary
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Clift Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE:
HEARING TIME:
PLACE:

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and
provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create

adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

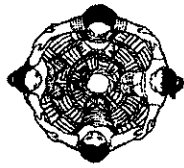
Suzanne

SUZANNE ARTLEY
SLS Director
SURFING THE NATIONS

P.O. Box 860366
Wahiawa, HI 96786

office: 808.622.6234
cell: 808.349.6483

suzanne@surfingthenations.com
www.surfingthenations.com



Hawai'i Women's Coalition

March 15, 2010

To: Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair and
Members of the House Committee on Judiciary

From: Ann S. Freed, Co-Chair of the Hawai'i Women's Coalition

Re: SB 2045, SD1 RELATING TO CRIME and establishing class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.
Hearing: Tuesday, March 16, 2010 at 2:15 p.m., Conference Room 325

Position: **STRONG SUPPORT**

Thank you for allowing me to testify today. The Hawai'i Women's Coalition is in strong support of this measure.

Human Trafficking is a grave internationally and nationally recognized human rights offense. Yet it is not clearly recognized as such under Hawai'i state law. We find it compelling that Hawai'i is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims.

Current Hawai'i statutes are not adequate to address the global trade in human beings know as Human Trafficking. Since Hawai'i is a crossroads for this slave trade, we need to address it as what it is and not apply existing statutes piece-meal. The end result of this approach has been labeling the victims as prostitutes and ignoring the slave-traders by giving them a slap on the wrist at best.

Take the case of Rodney D. King who faces current Federal Sex-Trafficking charges that carry sentences of fifteen years to life in prison for trafficking women and children for sex.

In 1999, Rodney D. King was tried in Hawai'i for the same crime but received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and enabled him to go right back on the street and pick up where he left off.

If Hawai'i had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer his horrific injustices. In the current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he took all of their earnings.

Please pass SB2045 SD1.

Me ke aloha pumehana,

Ann S. Freed
Co-Chair Hawai'i Women's Coalition



**TESTIMONY IN SUPPORT OF SENATE BILL 2045
AN ACT RELATING TO CRIME - HUMAN TRAFFICKING OFFENSES
PRESENTED TO THE HAWAII HOUSE COMMITTEE ON JUDICIARY
MARCH 16, 2010**

Dear Committee Chair and Members:

On behalf of Polaris Project's more than 18,000 supporters, thank you for providing us with an opportunity to support Senate Bill 2045, legislation aimed at combating human trafficking in Hawaii. Thank you to Chairman Karamatsu, Representative Ito, and the other members of the House Committee on Judiciary for hearing this important legislation and making it a priority for Hawaii to enact an anti-human trafficking law. Thank you also to Representatives Belatti, Cabanilla, Luke, Morita, and Thielen for introducing this legislation.

Polaris Project is a leading national organization committed to combating human trafficking within the United States, providing direct intervention, survivor support, policy advocacy, public awareness, and community outreach to end the brutal crime of human trafficking – for minors, adults, citizens, and foreign nationals. We also operate the National Human Trafficking Resource Center hotline (1-888-3737-888). We encourage Hawaii to no longer be one of the seven states that does not criminalize human trafficking by passing Senate Bill 2045 and taking a first step to eradicate human trafficking in Hawaii.

The Crime of Human Trafficking

Human trafficking is the modern-day practice of slavery, and it is one of the fastest growing criminal industries in the world, consisting of the subjugation, recruitment, harboring, or transportation of people for the purpose of forced or coerced labor or commercial sexual exploitation. The United Nations estimates that traffickers generate 32 billion dollars annually by exploiting those seeking to cross international borders in search of a better life, including those vulnerable within Hawaii. Notably, Hawaii's international tourist population, status as a conference and retreat destination, commercial sporting events, large military population, and construction and agricultural industries make it a prime location for human trafficking to flourish.

Victims of human trafficking in the United States include children and adults, as well as foreign nationals and U.S. citizens. The U.S. government has estimated that up to 17,500 victims are trafficked into the United States annually, in addition to those trafficked within the United States. Traffickers capitalize on domination over these vulnerable populations, creating despicable living conditions whereby victims are repeatedly threatened, beaten, raped, starved, chained or locked up, psychologically tortured, or subjected to debt bondage. This amounts to modern-day slavery—an unacceptable reality in the United States today.

In Hawaii, the need for an anti-human trafficking law has become increasingly urgent. The lack of enforcement measures has allowed human trafficking to flourish within the state for decades. Lack of enforcement, combined with a thriving demand and geographic location, has made Hawaii a source, transit, and destination state for the transnational trafficking of foreign nationals and U.S. citizens. Sex trafficking victimizes women and young girls, and sometimes men and boys, who are trafficked into the state or within the state for the purposes of prostitution, sexual exploitation, or domestic servitude. These victims are forced into the sex industry, either in strip clubs, massage parlors, brothels, or street prostitution.

The ability to compile specific statistics regarding the extent of human trafficking in Hawaii is exacerbated by the covert nature of this crime and the lack of laws empowering law enforcement and communities to combat human trafficking. However, while Polaris Project's National Human Trafficking Resource Center hotline has not been publicized or part of awareness campaigns in Hawaii, the hotline has still received 36 calls from Hawaii

in 2009, 17 of which referenced potential human trafficking situations, and 11 of those 17 calls specifically referenced sex trafficking.

Current Law on Human Trafficking

There is a groundswell of support for ending human trafficking in the United States, as demonstrated by the passage of anti-human trafficking criminal provisions in 43 states and by Congress' unanimous reauthorization of the Trafficking Victims Protection Act (TVPA) in 2008.

In addition to criminal provisions outlawing sex trafficking and labor trafficking, other states' laws also include forfeiture and restitution provisions, victim services provisions, law enforcement training provisions, task forces and research commissions, and many other provisions. Legislation has already passed on the local level in Hawaii, with Honolulu's City Resolution 09-284 in 2009. Additionally, organizations like the Pacific Alliance to Stop Slavery (PASS) are actively mobilizing support for identification of cases and coordination of responses to victim needs. Specifically, PASS has served over 13 survivors of human trafficking in Hawaii over the past six months. Two of these survivors are children.

Senate Bill 2045 Will Establish Hawaii's First Anti-Human Trafficking Law

Senate Bill 2045 will address human trafficking for the first time in Hawaii. The legislation includes many important provisions to combat human trafficking and provide services to victims of this horrific crime, including:

- Criminalization of "sexual human trafficking" as a Class A or Class B Felony;
- Criminalization of key means of facilitating the crime of sexual human trafficking that include destroying or concealing a victim's identification -- a common tactic used to keep victims under the control of a trafficker;
- Criminalization of sexual human trafficking of a minor;
- Asset forfeiture provisions for the crime of sexual human trafficking;
- Measures to ensure victim assistance and protection, including provisions that victims cannot be detained in a facility inappropriate to their status as a victim; victims cannot be jailed, fined, or otherwise penalized; victims "shall be provided protection" that is also extended to the victim's family; and that victims and their families' names or identifying information are not disclosed to the public;
- Establishment that the trafficker's mistake as to the age of the trafficked person is not a defense; and
- Inclusion of the crime of sexual human trafficking within Hawaii's Organized Crime and Racketeering Activity provision.

These provisions will collectively empower law enforcement, human trafficking victim service providers, and Hawaii communities to identify and respond to human trafficking by forcefully targeting the criminal activity and providing critical prevention and protection measures for victims. Most importantly, the bill aims to create a context in which survivors of human trafficking are empowered to escape their tragic situations and rebuild their lives.

We look forward to working with the committee and other stakeholders to pass Senate Bill 2045.

Please Vote Yes on Senate Bill 2045

Polaris Project urges a 'yes' vote on Senate Bill 2045. Thank you for your time and consideration.

Polaris Project's U.S. Policy Program provides support to federal and state policymakers through model anti-trafficking legislation, analyses of human trafficking-related bills and facilitation of meetings, trainings and briefings for legislators.

For more information, please contact

Kristin Fortin at KFortin@polarisproject.org, or visit www.polarisproject.org.

karamatsu1-Kenji

From: donna gompertz [donna@hit-the-fan.com]
Sent: Wednesday, March 10, 2010 1:03 AM
To: Rep. Jon Karamatsu; Rep. Ken Ito; Rep. Mele Carroll; Rep. Robert Herkes; Rep. Angus McKelvey; Rep. John Mizuno; Rep. Blake Oshiro; repstuj@Capitol.hawaii.gov; Rep. Joseph Souki; Rep. Glenn Wakai; JUDtestimony
Subject: Bill #SB2045 SD1 ...

Aloha Representative(s),

I am a registered voter & I strongly support the anti-sex trafficking Bill #SD2045 SD1 , with a stand alone definition of Human Trafficking. The women's Legislative Caucus has submitted this bill, making Human Trafficking a felony offense (IF it is passed). Hawaii is one of only 7 states out of touch & without a bill like this one; it is decades behind in having a law like this. Anyone in office that supports this bill, I will support. No excuses for Hawaii to not support this bill. PLEASE SUPPORT BILL#SB2045 SD1 !!!
Thank you very much, Donna C. Gompertz, a registered voter that wants the best for Hawaii & The United States.

TEMPLATE FOR HOUSE JUDICIARY HEARING

Date: 3/12/10

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: 3/16/10

HEARING TIME: 2:15P.M.

PLACE: State Capitol, Conference Room 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only

thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Macey Luo, RN

TEMPLATE FOR HOUSE JUDICIARY HEARING

Date: March 12, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: Tuesday, March 16, 2010
HEARING TIME: 2:15 pm
PLACE: Conferene Room #325, State Capitol

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

I would like to testify as a concerned citizen and volunteer for Girl Fest Hawaii and the Pacific Alliance to Stop Slavery. I have spent one on one time with some of the girls that are involved in the aftercare that PASS provides and it breaks my heart to see and hear what they have gone through in their lives at such a young age. It literally brings me to tears every time we get a new girl because I know that there are so many more that are working the streets and are not getting the justice that they deserve. I would like to strongly encourage you to pass this bill and bring justice to this horrible epidemic.

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create

adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Stephanie Tolentino
Co-Director, Girl Fest Hawaii
Stephanie@girlfesthawaii.org

Vincent K. Pollard
2440 Campus Rd., PMB 315
Honolulu, Hawai'i 96822
E-mail: pollard@hawaii.edu Fax: 956-2682
Web: <http://www2.hawaii.edu/~pollard/Asia.html>

13 March 2010

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Committee on Judiciary
House of Representatives
Hawai'i State Legislature
415 South Beretania Street
Honolulu, Hawai'i 96813

Re: Hearing, 16 March 2010, 2:15 p.m.

Honorable Committee Members:

Me ke Aloha. I am writing to support **SB 2045 SD1** (SSCR2512) (report title "Human Trafficking Offenses; Crime").

Please let me introduce myself. As a student of history, government and society in East and Southeast Asia and the United States, I earned graduate degrees at The University of Chicago and the University of Hawai'i-Manoa. Also, I completed an undergraduate Certificate in Tagalog at the UH-Manoa. Since the 1990s, I have been a teaching apprentice, teaching assistant, lecturer, temporary assistant professor and/or cooperating graduate faculty in one or more departments on a combined total of three campuses in the UH System.

Humanitarian activists, social movement organizations and legislators brought a legal end to some kinds of chattel slavery in many parts of the world by the end of the 1800s. However, trafficking in human beings for coerced labor has re-emerged in new forms in this latest age of globalization. Indeed, human trafficking globally (including in the United States) has repeatedly been acknowledged by the U.S. Department of State in recent years. This also is the topic of the forthcoming *Encyclopedia of Modern Slavery: A History of Political, Social, and Economic Oppression*, edited by Junius P. Rodriguez (Santa Barbara: ABC-CLIO, forthcoming 2010) and for which I have written an article.

Human trafficking for prostitution is the seamy underside of communication and transportation globalization. Victims of trafficking are coerced labor in Honolulu's tourist and entertainment industries. These women and children from Asia and elsewhere have been kidnapped, bought and sold as sex slaves. Human beings like the rest of us, they are disempowered to the extent that they do not know their rights or even how to ask for help because they often do not speak English.

So, what about the laws? Enforcement of the *Hawaii Revised Statutes* has not eliminated human trafficking.

In Honolulu and elsewhere locally, law enforcement officials need more comprehensive legal tools to eliminate glaring examples of human trafficking, especially the transshipment of women and children for abuse in the sex/prostitution industry.

In October 2009, the Honolulu City Council endorsed Resolution 09-284. Their action is additional support for approving appropriate legislation.

Do the right thing. Please vote for **SB 2045 SD1**. Mahalo nui loa for considering my endorsement of this bill.

Sincerely,

Vincent K. Pollard

Vincent K. Pollard, Ph.D.

karamatsu1-Kenji

From: Lynn Iseri [ly_iseri24@hotmail.com]
Sent: Saturday, March 13, 2010 3:03 PM
To: JUDtestimony
Subject: SB2045 SD1 Testimony

TEMPLATE FOR HOUSE JUDICIARY HEARING

Date:

ATTN: Committee on Judiciary
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Clift Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010
HEARING TIME: 2:15p
PLACE: Conference Room #325, State Capitol

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and
provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. I find this unacceptable. If it were your son, daughter, niece, nephew, relative, or friend that were held victim to such an event, what kind of justice would you want to see served? These are real people, real lives. Human trafficking is not something to just brush off your shoulder. It is a human wrong and it should be stopped. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Lynn Y. Iseri

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn More.](#)

Date: 3/13/10

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: 3/16/10
HEARING TIME: 2:15P.M.
PLACE: State Capitol, Conference Room 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only

thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Scott Souza

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 14, 2010 4:06 PM
To: JUDtestimony
Cc: lisalu123@msn.com
Subject: Testimony for SB2045 on 3/16/2010 2:15:00 PM

Testimony for JUD 3/16/2010 2:15:00 PM SB2045

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Lisa Lujan
Organization: Individual
Address:
Phone: 808-269-6402
E-mail: lisalu123@msn.com
Submitted on: 3/14/2010

Comments:

I urge the passing of SB2045. I believe that we need clearer stated laws regarding the offence of trafficking human beings for exploitation. The present laws are not sufficient nor are they defined enough to prosecute sufficiently those who are involved in trafficking human beings. I believe this is a most heinous of crimes and offenders who violate other people for profit should be prosecuted up to the fullest extent of the law. Please stand up for those who can not defend themselves. Please pass SB2045. Lisa Lujan/Maui lisalu123@msn.com

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 14, 2010 4:13 PM
To: JUDtestimony
Cc: gueci@yahoo.com
Subject: Testimony for SB2045 on 3/16/2010 2:15:00 PM

Testimony for JUD 3/16/2010 2:15:00 PM-SB2045

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Marco Shaw
Organization: Individual
Address: 241 Oluea CIRCLE Kihei Hawaii 96753
Phone: 808-269-6402
E-mail: gueci@yahoo.com
Submitted on: 3/14/2010

Comments:

I am in support of SB2045. I believe Hawaii needs stricter and more defined laws concerning human trafficking. Please pass this bill and make sure that those who violate others for profit are prosecuted to fullest extent of law and not be put back on the streets again to be able to be a predator of human beings. Marco Shaw

TEMPLATE FOR HOUSE JUDICIARY HEARING

Date: 3/14/10

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: 3/16/10
HEARING TIME: 2:15PM
PLACE: Jud. Comm. 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear Committee Members:

Very rarely are legislators such as yourselves provided such clear-cut opportunities to support the pursuit of justice for the under-represented.

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. I urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only

thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King. **This is a grave embarrassment for our state as a whole, and it should be prevented from happening again.**

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. **Please pass SB2045 SD1 and do not allow its text to be adulterated by politics- pursue justice!**

Most sincerely,

Jesse Mix

karamatsu1-Kenji

From: snylhonolulu@cs.com
Sent: Monday, March 15, 2010 12:44 AM
To: JUDtestimony
Subject: RE: SB 2045 SD1 Sex Trafficking Bill, Hearing March 16, 2010, 2:15 p.m.

Susan Liang
Registered Voter
Honolulu, HI, 96815

House Judiciary Committee
415 South Beretania St.
Honolulu, HI 96813

March 14, 2010

Dear Committee:

RE: SB 2045 SD1 Sex Trafficking Bill, Hearing March 16, 2010, 2:15 p.m. -- Submission of Testimony

As a voter of the State of Hawaii, I am writing in support of the passage of the above bill SB 2045 SD1 on Sex Trafficking.

Concerns have been expressed by those working with sex trafficking victims in Hawaii that most of the traffickers are not being prosecuted or if prosecuted and sentenced, not deterred (testimony of Nicole Furman before Committee on Judiciary and Government Operations on SB 2045, February 8, 2010), with the result that in cases where a trafficking victim turns in her pimp, she is in danger for her life (at least one complainant has disappeared after turning in her pimp, who is out on bail for a misdemeanor).

Her fate has been planned in advance by traffickers who look first to the law -- to see what they can get away with if they are caught. Seeing that they will only receive a misdemeanor, they simply take the girl out of state, or to another island, after they pay their bail, and after they have punished the girl in some unknown, unrecorded, and always illegal, manner. At this point, her will may have been broken, because the law has let her down.

They then may attend a Pimp Ball (yearly celebration) in which they can discuss between themselves how easy it is to traffick girls to and from Hawaii and make a ton of money. They may even dance to the song, "It's Hard Out Here for a Pimp" (winner of an academy award) because they know their profession is all but legal, and their ability to beat girls into submission and deprive them of futures is wholly acceptable to society. They probably also discuss how even the Attorney General's office has put up road blocks to passage of a sex trafficking bill because they do not want the customers of the pimps to be penalized with jail time. They may even thank Susan Arnett for her concern with the civil rights of the "johns". After all, its only "sex".

This is a form of sex that requires:

- a) Stalking (in malls, around high schools, intermediate schools);
- b) Money (from other kidnapped and raped girls) to ply new "product" with nice clothes, hot meals at local restaurants, jewelry, riding in new cars, to make her believe that she is "safe and secure" in her new "family"; to pay for airline tickets for their "girls" (product);
- c) Coercion through

-- Physical threats (beating, whipping, knives, guns, confinement, food deprivation, murder to set an example, threatening the children of girls who became pregnant while trafficked);

-- Deception (pimp as "boyfriend");

-- Isolation (lack of ability to communicate with the outside world including law enforcement, family, friends), through kidnapping over geographic distances, whether in-state or out-of-state;

- Denial of income (all money goes to the pimp; some girls must "ask permission" to the slavemaster for dinner at MacDonalds, teaching her the proper submissive/passive attitude of the permanently kidnapped);
- Denial of free time (no leisure time, no education).
- Some pimps are known for their "beat-downs" -- extreme brutality.

d) Point of Sale: all of the above, are put into practice because the goal of the pimp/trafficker is to get the girl to the point of sale -- at all times when needed to make money -- that means, at all times, 24 hours a day.

It is a form of the "freedom to have sex" that is claimed to belong to the customer, that requires the total denial of freedom to the trafficked. It could be claimed, indirectly, as Public Defender Susan Arnett has (February 8, 2010, Senate Committee on Judiciary and Government Operations hearing, supra) that a prostitute who is 18 is working of her own free will. However, the reality is that the clientele has demanded underage girls, and many who are now of age, were "picked up for induction" when they were children. The females who are trafficked are in this "trade" against their will.

FBI agent Brandon Simpson says that the Pacific region is one of the main areas where trafficking victims are to be found, but that because of on-going prosecutions, he cannot reveal exact statistics. He recommends that victims "go to the nearest law enforcement agency." But what if, as in our state that would be the Attorney General, who is fine with the status quo that allowed Clarence Milton to get off with a misdemeanor after he used a firearm to threaten his "product's" life, that allowed a pimp turned in by his victim, to get out on bail, after which she simply "disappeared"? Is she dead? Is she in another state being raped against her will? Law enforcement cannot keep up with these slavemasters unless and until the penalties both for them and their customers are higher.

But, as sex trafficking is a 7 billion dollar a year criminal enterprise, and as there is little deterrence from state and national laws, other criminals are turning to this slave trade precisely because of the lack of meaningful prosecution and penalties. In addition, as anticipated by the drafters of the concept of "criminal enterprise" who wanted to out-lawyer extremely profitable criminal enterprises that were infecting communities across the United States, the pimps have not only infiltrated the music industry, they have also infiltrated academia.

At the Sex Trafficking Conference in Hawaii a few years ago, abolitionists were confronted with feminists claiming that prostitution is legitimate work. This is the position of Public Defender Arnett, and no doubt many in the State of Hawaii. This does not change the fact that physical harm is being committed against young women and girls. The sexual needs of customers of prostitution does not change the fact that the principle of justice, and the law, has a duty to prevent that harm.

According to Mr. Chris Swecker of the FBI:

The average age of a child first used in prostitution is 11 to 14, with some as young as 9 years of age. Children used in prostitution consist of both male and female victims, and come from all ethnic and socioeconomic backgrounds. A large percentage of these children left home because of physical, sexual and psychological abuse. These children often have low self-esteem and are extremely vulnerable. These runaways become a prime target for sex offenders, pornographers, and pimps. Prostitution is a continuation of the victim's sexual exploitation, not the beginning. According to U.S. law and international agreements, children can never consent to prostitution; it is always exploitation.

A review of current and historical intelligence regarding such criminal enterprises reveals juveniles are victims of trafficking for the purpose of prostitution in both major metropolitan areas as well as smaller communities. Typically, they are transported to lucrative venues including cities hosting major sporting or public events. These criminal enterprises are highly mobile and travel established routes throughout the United States. They frequently communicate with each other in order to set pricing for services; they identify new locations deemed profitable as well as discuss locations where law enforcement is active or lax. These criminal enterprises typically engage in multiple criminal activities and have extensive supporting networks. For example, approximately 55 percent of street gangs are involved to some degree in prostitution....

Sex traffickers or pimps debriefed by the FBI indicate approximately 20-40 percent of the victims forced/recruited into prostitution are juveniles...(Testimony, Mr. Chris Swecker, Assistant Director for Criminal Investigative Division, FBI, United States Commission on Security and Cooperation in Europe, June 7, 2005).

In this regard, and on behalf of the voiceless victims of sex trafficking, I request that SB 2045 SD1 on Sex Trafficking be passed in its entirety, such that these criminal enterprises may be significantly deterred from establishing themselves in this state, and destroying more young lives. Many young girls do not survive past 20 years of age.

If we allow criminal enterprises to become one of the bases for the economy of this state, there will be no end to their influence.

Sincerely,

Susan Liang
Registered Voter

TEMPLATE FOR HOUSE JUDICIARY HEARING

Date: March 14, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Clift Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010
HEARING TIME: 2:15
PLACE: Conference Room #325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

The issue of “Human Trafficking” is something that I have become very passionate about for the past 3 years. I have put a lot of personal time and energy into educating myself on the global crisis surrounding this crime against humanity and something that I have found very common among those who are not as well informed on this issue are misconceptions as to what the actual definition of human trafficking is and what this crime truly entails. I have heard these misconceptions from many people whom I have discussed this topic with, but have since been very surprised to hear them from some of those in opposition of this bill during the previous hearings held before the

Senate. What I am about to say may sound fairly redundant at first, but I apologize and ask you to bear with me, as I do have a point.

First of all, I would like to start with a few definitions as quoted directly from Miriam Webster's dictionary. Webster defines a **slave** as, "a person held in servitude as property". Webster then goes on to define **slavery** as the "practice of owning slaves". We all know and recognize this to be true. The definition of **traffic** is "the business of bartering or buying and selling; the movement along a route, ALSO, the vehicles, PEOPLE, ships, or plane moving along a route as well as the passengers or cargo carried by a transportation system". **Traffic/trafficked/trafficking** is "to carry on a business dealing; to deal; to trade. And a **trafficker** is then defined as "a buyer and seller of COMMODITIES for profit". This shows that the act of trafficking includes but is NOT LIMITED to the transportation of commodities as is a common misrepresentation of the term. When people hear "human trafficking", they tend to only think of the "transporting" aspect. However, trafficking involves any act involved in the buying and selling of a commodity. In this case, we are here to discuss human beings as commodities.

The United Nations definition is the "Trafficking in human beings is the recruitment, transportation, transfer, harboring **OR** receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a MINIMUM, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services,

slavery or practices similar to slavery (which I have previously defined), servitude or the removal of organs.”¹

I know this was all very redundant, but I do have a point. The word “Human Trafficking” is a politically correct, sugar-coated title given to a very old practice which carries a very bad taste in the mouths of many, especially Americans-SLAVERY. Trafficking is the buying and selling of commodities, in this particular “business” those commodities are human beings, those human beings are the property of their traffickers, and as I earlier defined based on Webster, a person held as property is a SLAVE. I feel the need to be repetitive and redundant because I feel the primary goal for the passing of SB2045 SD1 has been somewhat overlooked due to a wide misunderstanding and tragic minimization of the crimes that are taking place here.

While very good arguments were made in the previous hearings by both the City Prosecutors Office and the Public Defenders Office regarding the number of preexisting laws which are already in place to prosecute those guilty of the crimes which are RELATED to human trafficking, in particular sex trafficking. However, the reality remains that those preexisting laws are failing as the slave trade is flourishing, whether or not all choose to accept that. In addition, they fail to give title to the actual crime which is currently and locally taking place: slavery.

There MUST be harsh and severe forms of punishments, followed by convictions, for BOTH traffickers and those participating in any sort of way. And YES, I very strongly do believe that that includes “Johns”, despite recognizing that the class C felony for convicting patrons has been struck from the bill. Human trafficking is a business.

¹ DAW/DESA. “The United Nations Response to Trafficking in Women and Girls.” www.un.org. United Nations, 08 November 2002. Web. Accessed 12 March 2010. <http://www.un.org/womenwatch/daw/edm/trafficking2002/reports/WP-DAW.PDF>.

This is a simple supply and demand equation. As long as there is high profit and low risk of punishment, this will obviously never end. To cut the supply, you must cut the demand. Without doing so, it will only continue to flourish as it already is. To be successful, governments cannot simply *tell* traffickers that they will no longer accept this denial of human rights within their borders, they have to *show* them. According to the International Labor Office's (ILO) 2008 Action Against Trafficking in Human Beings report, it is estimated that "there are at least 2.4 million trafficked persons at any given point in time. Yet there are only a few thousand convictions of traffickers every year [globally]. Most of the victims are not identified and consequently never receive justice for the damage inflicted upon them. Despite growing awareness and more effective law enforcement responses, trafficking remains a low-risk criminal enterprise with high returns. The ILO estimates that annual profits generated from trafficking in human beings are as high as 32 billion USD."² The UNODC states that while it may be "difficult to assess the real size of human trafficking because the crime takes place underground and is often not identified or misidentified", it estimates that the number of victims to be at "around 2.5 million people" at any one time. The UNODC also goes on to state that "[human trafficking] affects every region of the world and generates tens of billions of dollars in profits for criminals each year." When asked which countries are affected by human trafficking, the UNODC states that it "affects every country of the

² ILO. *ILO Action Against Trafficking in Human Beings*. ILO, 2008. Web. 12 Mar. 2010.

<http://www.amun.org/uploads/2008_bibs/CCPCJ/Human%20Trafficking/ILO_Action_Against_Trafficking.pdf>.

world, as countries of origin, transit or destination-or even a combination of all.”³ In addition, 43 of the 50 US states have already felt it necessary to implement anti-human trafficking laws into their legal systems. If they can all see the growing threat and obvious increase in this offense, who is the State of Hawaii to think that we are for some reason immune to this plague? Who are we to think that our preexisting laws are working and we’ve somehow avoided being a part of those statistics?

The purpose of SB2045 SD1 is not to establish additional laws to protect women and children from sexual exploitation, or to convict pimps of promoting prostitution, or to ensure fair and equal rights to all workers. The purpose of this bill is to include in the State of Hawaii’s legal system a law which gives recognition to the crime of human trafficking-to the crime of slavery. The buying and selling of human beings as property, the forced and abusive servitude of laborers, the ownership of a woman’s body, the sale of a child’s virginity and innocence...FOR PROFIT-all of the various methods that these traffickers are actively using to strip the freedom, liberty and constitutional rights of our fellow citizens is one of the worst crimes that I can think of, and therefore it absolutely deserves, not only legal recognition, but the harshest punishment legally possible. We recognized that slavery was a disgusting atrocity against humanity back in the 1800’s, and will openly recognize that now when faced with that particular word. So how is it that it can be staring people in the face, walking past us on the streets of Waikiki, selling us fruit in market places, hiding behind locked doors of our neighbors houses....and NOTHING can be done about it?

³ "Human Trafficking." *UNODC*. Web. 12 Mar. 2010. <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html#UNODC's_Response>.

The saying goes that “if you are not for something, then you are against it”. Well I believe the same to be equally true in vice versa, “if you are not against it, then you may as well be for it”. I think that there is a dangerous lack of understanding of the issue of human trafficking, both globally and locally, within our government and law enforcement in the State of Hawaii. I beg you; recognize the dehumanization that is taking place here. Leave this hearing and do your own research. Search the web, read books, check out the statistics. Educate yourself, as we have educated ourselves. And then I challenge you to join this fight with us. Please pass SB2045 SD1. Make a statement to local traffickers that our state is not ignorant of their crimes and will not tolerate them. May the State of Hawaii take a stand against SLAVERY!

Sincerely,

Meaghan Koski

Date: March 14, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

HEARING DATE: Tuesday, March 16, 2010
HEARING TIME: 2:15 p.m.
PLACE: House Conference Room 325

SB2045 SD1 - RELATING TO CRIME - Human Trafficking Offenses; Crime

Introducers: CHUN OAKLAND, BAKER, KIDANI, TOKUDA, Bunda

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses. Effective July 1, 2050. (SD1)

Dear Chair Karamatsu and members of the House Committee on Judiciary:

I support the intent of SB2045 SD1, which carries the highest penalty available to criminals who traffick women and children for sex. While there is an overlap with existing laws pertaining to human trafficking, this bill is more effective in (1) addressing the growing problem of human trafficking in Hawaii, (2) creating and enforcing adequate punishment to traffickers and (3) promotes effective identification systems to locate and protect victims.

Because of Hawaii's central location in the Pacific, we are the largest international hub for sexually exploited children. The average age for trafficked girls in Hawaii is 14, and additional case studies have revealed girls being trafficked as early as 9 years old¹. Sex trafficking victims are traded off and treated as property. For example, sex traffickers use different tactics to "condition" their victims, including, but not limited to: starvation, confinement, beatings, physical abuse, and rape². Hawaii's location, combined with the ineffective laws in place, result in a thriving sex trafficking industry occurring on our islands. A study done in 2000, by the University of Pennsylvania School of Social Work, exposed that Hawaii imports, exports, and sexually exploits children from Australia, Cambodia, Japan, Hong Kong, Korea, Laos, China, the Philippines, Taiwan, Vietnam, the Czech Republic, Poland, Russia, Canada, Mexico, and the mainland United States, amongst other countries³.

The public is generally unaware of the human trafficking prevalence on our islands because many victims are discouraged from coming forth and seeking justice. Under the established prostitution statutes, human trafficking victims are criminalized and placed in the same criminal category as prostitutes and the pimps and Johns who force them into human trafficking. Hawaii is one of seven states in the nation that have not made human trafficking a felony offense. Our state is in dire need of a law that adequately punishes human traffickers, and protects human trafficking victims.

I respectfully ask you to pass SB2045 SD1 which helps to protect the women and children victims of sex trafficking.

Thank you for your time. If you have any questions, please contact me at carmille.lim@gmail.com or 1.808.687.1252.

Sincerely,
Carmille Lim
Registered voter
98 773 Kaahele Street
Aiea, HI 96701
1.808.687.1252
carmille.lim@gmail.com

¹ Status of Women and Girls." *Women's Fund of Hawaii*. Lim Pacific, Inc., Aug. 2009. <http://bit.ly/cfad3>

² "Sex Trafficking Fact Sheet." *Administration for Children and Families*. Administration for Children and Families.pg. 17-19.
<http://bit.ly/TU8CY>

³ Estes, Richard J., and Neil A. Weiner. "The Commercial Sexual Exploitation of Children In the U. S., Canada and Mexico." *University of Pennsylvania, School of Social Policy & Practice*. Penn School of Social Policy & Practice, 19 Sept. 2001. <http://bit.ly/9KPMoq>

TEMPLATE FOR HOUSE JUDICIARY HEARING

Date: 3/14/10

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: 3/16/10
HEARING TIME: 2:15PM
PLACE: Jud. Comm. 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear Committee Members:

Very rarely are legislators such as yourselves provided such clear-cut opportunities to support the pursuit of justice for the under-represented.

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. I urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only

thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King. **This is a grave embarrassment for our state as a whole, and it should be prevented from happening again.**

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. **Please pass SB2045 SD1 and do not allow its text to be adulterated by politics- pursue justice!**

Most sincerely,

Jesse Mix

karamatsu1-Kenji

From: Steve Peich [speich@hawaiiintel.net]
Sent: Monday, March 15, 2010 12:06 PM
To: JUDtestimony
Subject: Committee hearing for - SB2045 SD1

Date: March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16,2010

HEARING TIME: 2:15pm

PLACE: Conf. rm. 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

Moreover, the state laws for prostitution are inadequate to deal properly with the crime of Trafficking. They may be adequate for the strict cases of prostitution, but we need a law whose language and penalties fit the more heinous crime of trafficking.

As a citizen of this state, I urge you to pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Steve Peich
Pearl City

Date: March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellafi
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16,2010

HEARING TIME: 2:15pm

PLACE: Conf. rm. 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, King's current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

Moreover, the state laws for prostitution are inadequate to deal properly with the crime of Trafficking. They may be adequate for the strict cases of prostitution, but we need a law whose language and penalties fit the more heinous crime of trafficking.

As a citizen of this state, I urge you to pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Elizabeth Fukuda
Kaneohe

karamatsu1-Kenji

From: Iman Uyeda [imanuyeda@gmail.com]
Sent: Monday, March 15, 2010 12:29 PM
To: JUDtestimony
Subject: SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Date: March 15, 2010

ATTN: **Committee on Judiciary**

Rep. Jon Riki Karamatsu, Chair

Rep. Ken Ito, Vice Chair

Rep. Della Au Bellati

Rep. Rida Cabanilla

Rep. Mele Carroll

Rep. Robert N. Herkes

Rep. Sylvia Luke

Rep. Angus L.K. McKelvey

Rep. John M. Mizuno

Rep. Hermina Morita

Rep. Blake K. Oshiro

Rep. Joseph M. Souki

Rep. Cliff Tsuji

Rep. Glenn Wakai

Rep. Barbara C. Marumoto

Rep. Cynthia Thielen

HEARING DATE: March 16,2010

HEARING TIME: 2:15pm

PLACE: Conf. rm. 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

Moreover, the state laws for prostitution are inadequate to deal properly with the crime of Trafficking. They may be adequate for the strict cases of prostitution, but we need a law whose language and penalties fit the more heinous crime of trafficking.

As a citizen of this state, I urge you to pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

I-man Uyeda

Wahiawa

Date: Monday, March 15, 2010

ATTN: **House Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: Tuesday, March 16th, 2010
HEARING TIME: 2:15pm
PLACE: Conference Room #325, State Capitol

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

We wish that slavery no longer existed, just as we wish there were no such thing as rape. Unfortunately, both slavery and rape are all too common, and for many victims of human trafficking, these two blights on humanity are combined into a nightmarish reality of continual rape. The perpetrators of these horrible crimes, the traffickers who inflict suffering for their own profit, are too rarely brought to justice, and too often let go without adequate penalty. This creates a situation where the horror of human trafficking appears to be an easy way to make a lot of money for those willing to forgo a conscience, making it into one of the fastest growing organized crimes in the world.

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create

adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Gina Cardazone

March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: Tuesday, March 16, 2010
HEARING TIME: 2:15 pm
PLACE: Conference Room 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

As a concerned citizen, registered voter, and financial supporter of a Christian nonprofit anti-human trafficking organization (International Justice Mission), I am appealing to you to pass this anti-trafficking bill. Having worked with prostitutes in the Women's Community Correctional Center (WCCC) and ex-child prostitutes in half-way houses, I have heard and seen how degrading, abusive and dangerous prostitution can be. Forced prostitution is unspeakably cruel. Millions of children are enslaved all over the world, and as the hub of the Pacific, Hawaii has many of them here, and many are trafficked through here on their way to other destinations. We must stop this trafficking now!

It is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffic women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively

addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1. I am thanking you in advance for your help.

Sincerely,

Sharon M. S. Toyomura
Registered Voter

Date: March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010
HEARING TIME: 2:15pm
PLACE: Conf. rm. 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, King's current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

Moreover, the state laws for prostitution are inadequate to deal properly with the crime of Trafficking. They may be adequate for the strict cases of prostitution, but we need a law whose language and penalties fit the more heinous crime of trafficking.

As a citizen of this state, I urge you to pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Mary Kessell
Aiea

Date: 15 March 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Clift Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: 16 March 2010

HEARING TIME: 2:15PM

PLACE: Conference Room 325, State Capitol, 415 South Beretania Street

Re: SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

I submit this testimony to strongly urge you to pass SB2045 SD1.

Unfortunately, even though slavery, involuntary servitude, and peonage are prohibited by the Hawai'i State Constitution, international persons, United States citizens, and Hawai'i residents are forced to work as laborers, whether it be as farm laborers or as prostitutes to name just two examples.

The existence of slavery within our islands is even more egregious when I look back to the wisdom of the Kingdom of Hawai'i. In 1852, the legislature under King Kamehameha III amended the Constitution of Hawai'i to declare in Article XII:

Slavery shall, under no circumstances whatever, be tolerated in the Hawaiian Islands: whenever a slave shall enter Hawaiian territory he shall be free; no person who imports a slave, or slaves, into the King's dominions shall ever enjoy any civil or political rights in this realm; but involuntary servitude for the punishment of crime is allowable according to law.

Yet, one hundred and sixty years later, I watch KITV news to learn that Mike and Alex Sou of Aloun Farms pleaded guilty in federal district court to conspiring to commit forced labor. I read in the Honolulu Advertiser stories of young Hawai'i teenage girls alleging they were picked up by predators, raped, and forced into prostitution. My heart weeps.

While I am disappointed that the original SB 2045 has been amended to exclude forms of trafficking that are non-sex trafficking related and to leave purchasers of enslaved peoples outside the reaches of the law, I still submit testimony with tears of desperation that the House Committee will pass SB2045 SD1. Leaving out persons trafficked into non-sexual services will continue to leave many people at risk.

SB2045 SD1 is a beginning. This is our chance to remember the compassion and humanity of the Kingdom of Hawai'i, when it outlawed slavery even before the United States of America. Please pass SD2045 SD1 and encourage your fellow legislators to respond to the cries of enslaved persons in Hawai'i and the call of abolitionists.

Aloha,
Tatjana Johnson

karamatsu1-Kenji

From: Carmen Golay [thinkingglobal@mac.com]
Sent: Monday, March 15, 2010 1:09 PM
To: JUDtestimony
Subject: SUPPORT SB2045 SD1

SUPPORT:
SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Today's Date: March 15, 2010

ATTN: **Committee on Judiciary**

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellafi
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: Tuesday March 16

HEARING TIME: 2:15 pm

PLACE: Conference Room 325 State Capitol

Dear COMMITTEE ON JUDICIARY:

Please pass SB2045 SD1. There is no valid reason why the State of Hawaii should remain without an adequate law to prosecute those persons who would traffick women and children to and from here for the commercial sex trade. We know it is happening. A state law would allow justice and prosecution for traffickers and healing for victims. It would deter those who are considering profiting from the exploitation and suffering of others. These actions are the modern day slave trade, and we need to take action. Do not allow the language of this

bill to be further altered or weakened for the sake of politics. Our communities, our children and our safety are more important than that.

Sincerely,

Carmen Golay

4303 Palahinu Place

Honolulu, HI 96818

Date: March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010

HEARING TIME: 2:15pm

PLACE: Conf. rm. 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, King's current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

Moreover, the state laws for prostitution are inadequate to deal properly with the crime of Trafficking. They may be adequate for the strict cases of prostitution, but we need a law whose language and penalties fit the more heinous crime of trafficking.

As a citizen of this state, I urge you to pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Jonathan Wong
Mililani

Date: March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellafi
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010
HEARING TIME: 2:15pm
PLACE: Conf. rm. 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, King's current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

Moreover, the state laws for prostitution are inadequate to deal properly with the crime of Trafficking. They may be adequate for the strict cases of prostitution, but we need a law whose language and penalties fit the more heinous crime of trafficking.

As a citizen of this state, I urge you to pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Robert Sullivan
Pearl City

karamatsu1-Kenji

From: Dyne Peich [dpeich@hawaiiantel.net]
Sent: Monday, March 15, 2010 2:02 PM
To: JUDtestimony
Subject: SB2045 SD1 Relating to Crime--Human Trafficking Offenses

Date: March 15, 2010

ATTN: Committee on Judiciary
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Clift Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010
HEARING TIME: 2:15pm
PLACE: Conf. rm. 325

SB2045 SD1 - RELATING TO CRIME - Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. It is sad, and in this case, appalling, that Hawaii once again is lagging behind in our country to take a stance on human rights.

I urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking. They may be adequate for the strict cases of prostitution, but we need a law whose language and penalties fit the more heinous crime of trafficking.

As a citizen of this state, I urge you to pass **SB2045 SD1** and do not allow its text to be adulterated by politics.

Sincerely,

Dyne Peich
Pearl City

karamatsu1-Kenji

From: k h [kndi_h@yahoo.com]
Sent: Monday, March 15, 2010 1:51 PM
To: JUDtestimony
Subject: SB2045 SD1 Human Trafficking offenses

Date: March 15, 2010

ATTN: **Committee on Judiciary**

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16,2010

HEARING TIME: 2:15pm

PLACE: Conf. rm. 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

Moreover, the state laws for prostitution are inadequate to deal properly with the crime of Trafficking. They may be adequate for the strict cases of prostitution, but we need a law whose language and penalties fit the more heinous crime of trafficking.

Please don't turn a blind eye to this issue. It's a reality. I lived in Vietnam for a year and a half (2008 - 2009) and the poor and uneducated are prey to sexual slavery and abuse. Even in Vietnam, the police began to raid

operations in the villages to stop human trafficking. We need to address this problem. Let's begin with SB2045 SD1.

As a resident of this state, I urge you to pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Kendi Ho

Makiki

Date: March 15, 2010

ATTN: Committee on Judiciary

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Clift Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16,2010

HEARING TIME: 2:15pm

PLACE: Conf. rm. 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

There is no valid excuse to ignore the passage of a state law against Human Trafficking; and every day that passes without such a law means another day that our legal system perpetuates unspeakable, real horror on women and children. I urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill appropriately addresses the growing problem of Human Trafficking in Hawaii by creating adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King, who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

Moreover, the state laws for prostitution are inadequate to deal properly with the crime of Trafficking. They may be adequate for the strict cases of prostitution, but we need a law whose language and penalties fit the more heinous crime of trafficking.

As a citizen of this state, I urge you to pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Chris Daida
Mililani

karamatsu1-Kenji

From: Kari Benes [karibenes@gmail.com]
Sent: Monday, March 15, 2010 2:43 PM
To: JUDtestimony
Subject: Support SB 2045-SD-1 Tuesday March 16th

Dear Honorable Chair Jon Riki Karamatsu, Vice Chair Ken Ito and members of the Judiciary Committee,

Hearing: Tuesday, March 16th, 2010 2:15pm

Purpose: Support for SB 2045 SD-1

Recommendation: Effective Date July, 2010.

Justification: Human Trafficking nor Sex Trafficking in Hawaii is not a joke and needs to be treated with the appropriate amount of justice in order to protect vulnerable children and women in Hawaii. Innocence and sheer human dignity is at stake, where do we as a State want to stand, with an outreached hand in protection to the vulnerable or no hand at all? Please do your part to protect Hawaii's women and children by supporting SB 2045 SD-1, with an effective date as soon as possible.

Thank you for you time and consideration,

Kari Benes

Kaimuki Resident, Age 30

(808) 234-9538

karamatsu1-Kenji

From: Wesley Uyeda [wesleyuyeda@yahoo.com]
Sent: Monday, March 15, 2010 3:07 PM
To: JUDtestimony
Subject: wesleyuyeda@yahoo.com

Date: March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16,2010

HEARING TIME: 2:15pm

PLACE: Conf. rm. 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

Moreover, the state laws for prostitution are inadequate to deal properly with the crime of Trafficking. They may be adequate for the strict cases of prostitution, but we need a law whose language and penalties fit the more heinous crime of trafficking.

As a citizen of this state, I urge you to pass SB2045 SD1 and do not allow its text to be adulterated by politics.

As a father, I can't even begin to imagine the possibility of my children being trafficked (beaten, threaten, raped, mutilated, sold, traded, manipulated, and left for dead when they outlive their usefulness or profitability). I pray this never happens to my children. However I'm aware of the reality that this happens everyday in the world to women, boys, girls, and men. All of these people are someone's son or daughter. I'm writing this letter to you today, because I'm trying to make a difference. How can I not do anything, something, to stop this evil in our world if I know that it is happening every day in our very state. If there is something that we can do, that will give us more of an opportunity (even if small) to prosecute these traffickers and stop them from ever doing it again, I don't understand why we wouldn't. Without this state law, I believe wholeheartedly that more and more people will be enslaved because those who are enslaving them will not fear any consequences. Without this state law, I believe that we will not be able to obtain the resources and funding that is needed to successfully combat human trafficking. Without this state law, I believe that we will not be able to rescue our children and stop these absolute monsters and killers of the mind, body, and soul. I beg of you to do all that is within your power, the power that has been entrusted to you, to pass SB2045 SD1. This is a vital point in history for us as a state, to take a stand against evil, to fight for those who cannot fight for themselves, and to speak for those who have no voice.

Sincerely,

Wesley Uyeda
Wahiawa

karamatsu1-Kenji

From: Janet Scott [jerejanetscott@juno.com]
Sent: Monday, March 15, 2010 3:16 PM
To: JUDtestimony
Subject: SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Date: March 15, 2010

ATTN: Committee on Judiciary

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16,2010

HEARING TIME: 2:15pm

PLACE: Conf. rm. 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

Moreover, the state laws for prostitution are inadequate to deal properly with the crime of Trafficking. They may be adequate for the strict cases of prostitution, but we need a law whose language and penalties fit the more heinous crime of trafficking.

As a citizen of this state, I urge you to pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Jere and Janet Scott

Former Hawai'i residents now in Medford, Oregon

TEMPLATE FOR HOUSE JUDICIARY HEARING

Name: Maria Belen Del Canto Nicolau
Date: March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010
HEARING TIME: 2:15pm
PLACE: Conference Room 325, Honolulu, Hawaii

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the

inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Maria Belen Del Canto Nicolau

March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

RE: HEARING ON SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses. **Tuesday, March 16, 2010 at 2:15pm, Conference Room #325, State Capitol**

Dear COMMITTEE ON JUDICIARY:

As a physician, I care deeply about fighting human trafficking. Human trafficking affects individuals' health (physical, emotional, mental), dignity, and freedom. Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, King's current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely, with aloha,

Aimee Malia Grace, M.D. (John A. Burns School of Medicine '09)
Pediatrics Resident
Stanford University

karamatsu1-Kenji

From: V L [vl@traffickjamming.org]
Sent: Monday, March 15, 2010 4:31 PM
To: JUDtestimony
Subject: Testimony for SB2045 SD1

I was asked to send this on behalf of Rev. Olcott.
-Veronica Lamb

HEARING DATE: March 16, 2010

HEARING TIME: 2:15

PLACE: Conference Room 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

To Hawaii Legislators - pass the human trafficking prevention legislation:

IN early November 2009, my 15 year old granddaughter was taken from our home in Hilo. Over the next three days she was restrained with heavy use of drugs, solicited for prostitution, sexually compromised by older persons, and was offered money for her kidney. Police would only consider her a runaway and told us to wait 30 days for her to come home. We did not wait, organized community friends and a widely publicized search. Finally with the pressure of publicity to widely circulated those who we restraining her with drugs gave us her location - she was high on crystal meth and 4-MMC. We were told by the leads that helped us discover her whereabouts that those holding her were planning to ship her out of HI in two days and sell her for prostitution and had papers with a false identity drawn up. After getting her back, she has gone to the mainland for rehab therapy. We were told there were no effective treatment programs for teens in HI - the cost is phenomenal, but the investment in her future is worth all of our continued love and support for her.

Police need to take such missing teen situations more seriously, professionally, and leave missing teens as the lowest priority for law enforcement - so should the legislature and the courts in HI.

Do everything positive you can to pass legislations that makes trafficking in human children illegal and punishable with significant sentences.

Since my granddaughter came back at least 7 other parents have contacted us and said - "Our daughters have also gone missing" Only 3 of these people indicated they got their teens back after weeks and months of searching.

Sincerely,

Thomas W. Olcott

--
PROPRIETARY INFORMATION/CONFIDENTIALITY NOTICE: This communication from The Pacific Alliance to Stop Slavery or its Subsidiaries may contain information that may be confidential, privileged and/or prohibited from disclosure. Except for personal business use within the context of its original communication by the intended recipient to the original sender, or as expressly authorized by the sender, any person who receives this information is prohibited from disclosing, copying, distributing, and/or using it. If you have received this communication in error, please notify vl@traffickjamming.org as soon as possible, and delete it from your computer without retaining any copies. Nothing in this communication is intended to operate as an electronic signature under applicable law.

karamatsu1-Kenji

From: Rev. Thomas Olcott [revthomasolcott@hotmail.com]
Sent: Monday, March 15, 2010 4:34 PM
To: JUDtestimony; Brenda Olcott; vl@traffickjamming.org
Subject: Pass SB2045 SD1 with effective enforcement

Aloha to the Honorable Legislators of the State of Hawaii:

IN early November 2009, my 15 year old granddaughter was taken from our home in Hilo. Over the next three days she was restrained with heavy use of drugs, solicited for prostitution, sexually compromised by older persons, and was offered money for her kidney. Police would only consider her a runaway and told us to wait 30 days for her to come home. We did not wait, organized community friends and a widely publicized search. Finally, with the pressure of publicity to widely circulated, those who were restraining her with drugs gave us her location - she was high on crystal meth and 4-MMC. We were told by the leads that helped us discover her whereabouts that those holding her were planning to ship her out of HI in two days and sell her for prostitution and had papers with a false identity drawn up. After getting her back, she has gone to the mainland for rehab therapy. We were told there were no effective treatment programs for teens in HI - the cost is phenomenal, but the investment in her future is worth all of our continued love and support for her.

Police need to take such missing teen situations more seriously and professionally, and no longer treat missing teens/children as the lowest priority for law enforcement - so should the legislature and the courts in HI.

Do everything positive you can to pass legislation that makes trafficking in human children illegal and punishable with significant sentences.

Since my granddaughter came back at least 7 other parents have contacted us and said - "Our daughters have also gone missing!" Only 3 of these people indicated they got their teens back after weeks and months of searching.

Sincerely,
Thomas W. Olcott
82 Alae Street, Hilo, HI 96720

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn More.](#)

karamatsu1-Kenji

From: Rev. Thomas Olcott [revthomasolcott@hotmail.com]
Sent: Monday, March 15, 2010 4:40 PM
To: JUDtestimony; Brenda Olcott; vl@traffickjamming.org
Subject: Pass SB2045 SD1 with effective enforcement - corrected copy

Pass SB2045 SD1 with effective enforcement

From: **Rev. Thomas Olcott** (revthomasolcott@hotmail.com)

Sent:

To:

Aloha to the Honorable Legislators of the State of Hawaii:

IN early November 2009, my 15 year old granddaughter was taken from our home in Hilo. Over the next three days she was restrained with heavy use of drugs, solicited for prostitution, sexually compromised by older persons, and was offered money for her kidney. Police would only consider her a runaway and told us to wait 30 days for her to come home. We did not wait, organized community friends and a widely publicized search. Finally, with the pressure of publicity to widely circulated, those who we restraining her with drugs gave us her location - she was high on crystal meth and 4-MMC. We were told by the leads that helped us discover her whereabouts that those holding her were planning to ship her out of HI in two days and sell her for prostitution and had papers with a false identity drawn up. After getting her back, she has gone to the mainland for rehab therapy. We were told there were no effective treatment programs for teens in HI - the cost is phenomenal, but the investment in her future is worth all of our continued love and support for her.

Police need to take such missing teen situations more seriously and professionally, and no longer treat missing teens/children as the lowest priority for law enforcement - so should the legislature and the courts in HI.

Do everything positive you can to pass legislation that makes trafficking in human children illegal and punishable with significant sentences.

Since my granddaughter came back at least 7 other parents have contacted us and said - "Our daughters have also gone missing!" Only 3 of these people indicated they got their teens back after weeks and months of searching.

Sincerely,
Thomas W. Olcott
82 Alae Street, Hilo, HI 96720

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn More.](#)

TEMPLATE FOR HOUSE JUDICIARY HEARING

Date: March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010
HEARING TIME: 2:15
PLACE: Conference Room 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear House Judiciary Committee:

I've had the opportunity to meet with many young women & children that have been victims of sex trafficking here on Oahu. Hearing their stories first hand is challenging. It would be nice to deny that such things happen in "paradise" or in our "backyard", but the reality is that lives are being destroyed on our islands. The young women & children have been promised many things by seemingly loving boyfriends... Trips & cruises to and within Hawaii, birthday parties, promises of making enough money to get back on their feet or to enough to take care of their young children. Unfortunately, the promises were too good to true. Often with only the clothes on their back, the lucky ones find help and someone to listen to their stories... stories of violence & torture. Their lives threatened at gun point, bones broken, heads bashed in, beatings with belts, teeth knocked out, repeated rapes, threats on their families & children, and other forms of physical & verbal abuse. Others were not lured at all, but rather just kidnapped and abused until submission. Most are from Hawaii and have been forced into sex trafficking right here in Hawaii.

The more heartbreaking side of the story is the long road of recovery that they face. The physical and mental scars are one thing to heal from, but there are many other wounds that continue to have salt poured in. Like being forever labeled as a "prostitute"; being pursued by former "customers" (aka rapists) when they walk down the street, go to the

grocery store, or even while on school field trips; being afraid to get jobs at the malls & popular stores because the traffickers themselves walk freely in those areas. Instead these victims find themselves feeling like a prisoner in their own hometown... unable to get away from the threats of their traffickers and unable to breakthrough society's stereotypes. To see the look on a child's face after they see the men that have raped them, those men walking free on the street without a concern or shade of guilt upon them, which is the real heartbreaking point in this story of trafficking in Hawaii.

When more traffickers & their customers walk free on the streets, than those that have been incarcerated; I challenge the argument that the current statues are sufficient in Hawaii. I alone, have met with roughly 20 young women and girls that have been trafficked in, around, & through Hawaii over the past year & a half. Currently, I am aware of only 3 of those cases resulted in arrest & are on their way to trial. This is not sufficient.

All of the "customers" and nearly all of the traffickers walk our streets freely today. The victims are the ones who walk in fear.

Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Veronica Lamb
4348 Waiialae Ave. #307
Honolulu, HI 96816

TEMPLATE FOR HOUSE JUDICIARY HEARING

Name: Mike Slagter
Date: March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010
HEARING TIME: 2:15pm
PLACE: Conference Room 325, Honolulu, Hawaii

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the

inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Mike Slagter

TEMPLATE FOR HOUSE JUDICIARY HEARING

Name: Malin Garphammar
Date: March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010
HEARING TIME: 2:15pm
PLACE: Conference Room 325, Honolulu, Hawaii

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the

inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Malin Garphammar

TEMPLATE FOR HOUSE JUDICIARY HEARING

Date:

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE:

HEARING TIME:

PLACE:

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only

thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

(Jazminn Yuri Kamila Yamamoto)

TEMPLATE FOR HOUSE JUDICIARY HEARING

Name: California Miles

Date: March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010

HEARING TIME: 2:15pm

PLACE: Conference Room 325, Honolulu, Hawaii

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the

inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

California Miles

TEMPLATE FOR HOUSE JUDICIARY HEARING

Name: Elisabet Bergenholtz

Date: March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010

HEARING TIME: 2:15pm

PLACE: Conference Room 325, Honolulu, Hawaii

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the

inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal methé and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Elisabet Bergenholtz

TEMPLATE FOR HOUSE JUDICIARY HEARING

Name: Asa Torelund
Date: March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellafi
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010
HEARING TIME: 2:15pm
PLACE: Conference Room 325, Honolulu, Hawaii

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime
Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the

inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Asa Torelund

TEMPLATE FOR HOUSE JUDICIARY HEARING

Name: Hanna Sundstrom

Date: March 15, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Clift Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010

HEARING TIME: 2:15pm

PLACE: Conference Room 325, Honolulu, Hawaii

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the

inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

Sincerely,

Hanna Sundstrom

TEMPLATE FOR HOUSE JUDICIARY HEARING

Date: March 16, 2010

ATTN: **Committee on Judiciary**
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ifo, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cabanilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey
Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Cliff Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: March 16, 2010

HEARING TIME: 2:15pm

PLACE: Conference Room 325

SB2045 SD1 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The other six states without laws are: South Dakota, Ohio, Alabama, Wyoming, West Virginia, and Massachusetts.

The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. The people urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking, which has been nationally highlighted recently by the ongoing Federal Sex-Trafficking case of Rodney D. King who faces fifteen years to life in prison for trafficking women and children for sex. In 1999, Hawaii brought Rodney D. King to trial for the same crime but because of the inefficacy of our state prostitution laws in addressing Sex-Trafficking, King received only

thirty months in prison and three years supervised release for his guilty plea. This penalty was hardly justice for the victims and was hardly a deterrent for King.

If Hawaii had an adequate Human Trafficking Law in 1999, Kings current victims would not have had to suffer the injustices he put them through. In this current case, King allegedly forced several women and two children to take crystal meth and then forced them into commercial sexual exploitation while he reaped all of their earnings. (U.S. Department of Justice Press Release; 09-601; June 18, 2009)

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

"Hopefully when SB 2045 passes, I want it to be protected from opponents who may to lessen the impact of this bill by altering its wording or gutting it." - Jedidiah White

"Sex trafficking is a very hideous and evil crime and the worst form of slavery"- Jedidiah White

"I support the heaviest criminal punishment possible in Hawaii for human traffickers." – Jedidiah White

Sincerely,

Jedidiah White

karamatsu1-Kenji

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 15, 2010 8:55 PM
To: JUDtestimony
Cc: allison.erlander@gmail.com
Subject: Testimony for SB2045 on 3/16/2010 2:15:00 PM

Testimony for JUD 3/16/2010 2:15:00 PM SB2045

Conference room: 325
Testifier position: support
Testifier will be present: No
Submitted by: Allison Erlander
Organization: Individual
Address:
Phone:
E-mail: allison.erlander@gmail.com
Submitted on: 3/15/2010

Comments:
SB2045 SD1 - RELATING TO CRIME - Human Trafficking Offenses; Crime

Establishes class A and B felony sexual human trafficking offenses, and provisions related to prosecution of the offenses.

Dear Committee Members:

Very rarely are legislators such as yourselves provided such clear-cut opportunities to support the pursuit of justice for the under-represented. Human Trafficking is a grave human rights offense recognized internationally and nationally but unrecognized by Hawaii state law. Hawaii is now one of seven states left in the nation that has not made Human Trafficking a felony offense while protecting the human rights and safety of trafficking victims. The people of Hawaii feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. I urge you to pass SB2045 SD1, a bill which carries the highest penalty available to criminals who traffick women and children for sex; one of the most horrible forms of human rights offenses still in existence. This bill effectively addresses the growing problem of Human Trafficking in Hawaii and to create adequate punishments and effective identification systems to locate and protect victims.

Current state laws are not adequate in addressing Human Trafficking.

The people of Hawaii find this unacceptable. Please pass SB2045 SD1 and do not allow its text to be adulterated by politics.

From: Laureen [ljacobi77@gmail.com]
Sent: Monday, March 15, 2010 9:51 PM
To: JUDtestimony
Subject: Testimony Senate Bill 2045

- Laureen Jacobi-Mother of a Trafficked Victim
- House Judiciary Committee
- March 16, 2010 at 2:15pm
- Senate Bill 2045

Today I am here to share story, share my heart for my daughter who was trafficked to Honolulu in January 2008. This morning, I flew in from California to show my support for SB2045. I urge the **House Judiciary Committee**, to support, to enact, and to enforce Human Trafficking legislation - SB 2045 and this is why I feel so strongly.

You see, I am the mother of a girl that was trafficked from Arizona and forced into prostitution on the streets of Waikiki. I felt it was important for you, representing this state, to hear my story, to see the face of an actual mother that has lived thru the hell of trying to pry her daughter from the physical and psychological grip of her human trafficker. This can happen to anyone! Even your own daughters are at risk.

My daughter didn't come from the stereotypical scenario you hear about. She came from a very loving, caring, nurturing, upper middle class family. But while away at college here in Honolulu, my daughter was befriended by a man (let's call him Daryl) that claimed to be in the military in Hawaii. He appeared kind, caring and very attentive to her. Shortly after meeting him she was sexually assaulted in her dorm room by an unknown man and several weeks later, left Hawaii. She returned home to California and received counseling and support for this traumatic attack. She was determined to overcome this and move on with college and her dreams.

After, several months at home she decided to attend school in Arizona. At some point the man from Hawaii (Daryl) started to talk to her again and one day he just showed up at her work in Arizona. He claimed to be on leave with the military for a month, and asked her to go away with him for a few days. That fatal decision would prove to be the biggest nightmare of our lives. Two days turned into several weeks and then she was trapped, for that man turned out to be a "pimp/trafficker" from Honolulu. He wasted no time cutting off communication with family and friends. He took away all her identification including her drivers license, gave her a street name, and began a series of violent physical, psychological, and sexual abuse. Understand, these pimp/traffickers are professional at isolating their prey, eroding their sense of self identity, and fostering humiliating dependence by

using steady doses of extreme intimidation and control. These girls are slaves for their pimps profit. He beat her repeatedly and then put her in a closet for punishment, if she cried, he took her out and did it again. He threatened her with a gun to her head several times and even threatened to kill our entire family. She lived in fear for her life on a daily basis.

For months, I was strung along with a text with few lines or a quick message that she love me and was doing fine. I was confused myself, I thought this was a case of a girl that had run off with her boyfriend. But eventually, I hired a Private Investigator and found out my daughter had been accentually kidnapped, coerced, manipulated and force into prostitution. Imagine my devastation to find out all the pieces to the story and connect the dots! He targeted my daughter, and like an animal trapped his prey.

I'm sure this was his intention from the beginning and I am also certain that he is the one that had her sexually assaulted in her dorm.

When I arrived in Honolulu with my family from California, I was nothing short of desperate to find my daughter! After finding out the truth of the matter, my nights were spent looking for ads and pictures of my daughter on Craigslist or Backpage, so I might see she was still alive and find a phone number to call. These pimp/traffickers use these websites to advertise these girls for business. My daughter was heavily controlled and strictly monitored and frequently moved to different locations around Honolulu. The trafficker/pimp never registered under his name and always paid cash, this is common. They use every means possible, not to get caught and arrested. We had several failed attempts to set up an appointment with her and I was at the end of my options.

Before meeting Honolulu Police Officer James Easley, I had spent several frustrating days and nights walking and driving around the streets of Waikiki looking for any sign of my daughter. Officer Easley assisted me in making contact with my daughter. And eventually, he would be the one she turned to, to rescue her out of this nightmare. Understand, this kind of rescue is not easy since the victims' are forbidden to talk to the police. It is drilled into their heads that the popo's are the bad guys.

I know you are thinking this is an unusual case, but it is not. I have come to know of other families in other states that have had this happen to their daughters. One father in Colorado stated that if he had known his daughter was attending school in a place that gives these guys a free ride, he would have never picked Hawaii for college. Within five months of coming to Hawaii for school, his daughter was targeted, coerced and prostituted right out of a dorm on Kuhio Avenue. She also has since been rescued and also trying to pick up the pieces of her life.

Isn't it clear, the current state laws in Hawaii aren't adequate in addressing Human Trafficking. The rise in Human Trafficking is only increasing in Hawaii, negatively affecting the image of Hawaii. I'm certain most parents that are sending their college students to your state, have no idea that Hawaii does not have a state human trafficking laws. And I'm sure most tourists that frequent Hawaii also have no idea that Hawaii does not have a state human trafficking law. There really is no excuse to wait on passing this legislation.

It is interesting to me, that most of the girls and pimp/traffickers that work this business are not even from Hawaii. They are from other states yet the pimps are trafficking in a new batch of victims each week and using your state as a safe haven. How is this being tolerated? Where is the outrage? These traffickers are free to fly in and out of your state everyday of the week. They drive very expensive cars and makes as much as \$1,000 per night per girl. Make no mistake, they are very invested in human trafficking and won't be deterred by lenient state laws. This needs to stop!!! SB2045 effectively addresses the growing problem of Human Trafficking in Hawaii. Who will stand up for these victims if you won't...please vote to support this bill today!!

Thank you for your time

Date: 15 Mar 10

ATTN: Committee on Judiciary

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Rep. Della Au Bellati
Rep. Rida Cababilla
Rep. Mele Carroll
Rep. Robert N. Herkes
Rep. Sylvia Luke
Rep. Angus L.K. McKelvey

Rep. John M. Mizuno
Rep. Hermina Morita
Rep. Blake K. Oshiro
Rep. Joseph M. Souki
Rep. Clift Tsuji
Rep. Glenn Wakai
Rep. Barbara C. Marumoto
Rep. Cynthia Thielen

HEARING DATE: 16 Mar 10
HEARING TIME: 2:30 AM
PLACE: Hawaii State Capitol

Subject: SB2045 - RELATING TO CRIME – Human Trafficking Offenses; Crime

Establishes class A, B, and C felony sexual human trafficking offenses and class A, B, and C felony labor trafficking offenses, and provisions related to prosecution of the offenses.

Dear COMMITTEE ON JUDICIARY:

I have worn many hats in my life; daughter, sister, airman, mother, veteran. Now I proudly add one more hat to my mantle...citizen. No matter the label, I'm a human being.

Human trafficking; enforced prostitution; indentured servitude; sweatshop...many different labels that have the same outcome...slavery...no matter how it appears.

It was as a daughter and a sister I first saw images of indentured servitude in my little town of Rosamond California where many school friends came and went seasonally or were here today, gone tomorrow. Many were children of legal migrant farm workers, but as I later learned many were part of families that were treated as little more than slaves, indebted to those who treated them like chattel. Farm worker conditions in California were atrocious in those days, but the "support system" for some of the farming camps may have been worse in some cases.

In high school I learned about prostitution from two school friends from well-to-do families and only a year or two older than I. They ran away from home and ended up being taken from farm camp to farm camp by pimps. The pimps made \$10 a trick.

During my first few years in the Air Force I would learn more about prostitution while stationed in Germany. I'd even come to believe these women

where doing what they wanted by choice and that prostitution was a victimless crime. Over a decade later I would learn more about the Eastern European girls who were forced into prostitution in Western Europe even before the demise of the Iron Curtain and Berlin Wall. My thoughts about prostitution and the sex worker industry began to undergo a change as I saw the sad little caravans parked along the European roadsides and heard stories of the teenaged girls in the Czech Republic who sold baked good during the day and their bodies at night.

Once I became a mother, horrific tales of child stealing and so-called "white slavery" seemed to hit the media with regularity I'd not before known. Perhaps it was because I was a new mother, or perhaps because the media was getting larger as the world became smaller. One way or the other my eyes became more open to the fact slavery was not over just because America thought so and it was not just about the past holocaust against Black America. I discovered an on-going crime against all humanity. Slavery had never stopped or even taken a break just because I wasn't looking.

Later, as a senior noncommissioned officer (SNCO) stationed at Camp Smith, Hawaii I was a member of Joint Task Force-Full Accounting. We were tasked with locating and returning the missing from the Vietnam War. I spent a total of six-months in Southeast Asia during my three-year tour. It was an honorable mission, but what I witnessed off-duty made this SNCO weep more than once. To see middle-aged men of European descent walking down the street, hand-in-hand with a young boy or girl was commonplace in some countries. I cringed to see an older man with a child for fear that the true nature of the relationship was something more sinister than a proud papa strolling with his young child seated upon his shoulders.

I was so proud when the Department of Defense took steps to educate military personnel and prevent us from frequenting establishments that could be facilitating human trafficking. I gratefully took my annual training on Human Trafficking, proud that America was doing something about this heinous crime. Then I retired and my eyes where open even wider to the reality of the current state of affairs in Hawaii.

As a veteran of the United States Air Force, I spent 28 years of my life helping to protect our freedoms and our way of life. I was appalled to discover slavery was not only happening in this state, but that there was no law to curtail human trafficking or to punish the slavers. Slavery. It is an ugly word isn't it? I know it tastes foul leaving my mouth, but I cannot allow our common discomfort to quell the necessity of putting these atrocities in perspective. We all need to be "uncomfortable" if we are to really understand why this law needs to be passed. We need to walk a block in the spike heels of young prostitute. We need to dig in the hard soil with the callused hands of an indentured farm worker. We need to rub away our silent tears with the chubby little fists of a child afraid of what sunrise may bring. If we have to force ourselves to taste the bile as it rises in our throats to picture what is done to a small body by a much larger one when no one cares to look, than that is what we must do. Because it is imperative that we take this discussion out of the political arena and place it were it belongs in the human realm. Humans feel, we care, we can empathize, and we have compassion. We are not inherently bound to a political party. We are however, bound to each other through our humanity.

So now, as a citizen, I've decided to become part of the solution and to stop ignoring the problem. I can no longer standby and watch as innocent people are brutally, even savagely abducted and placed into a life of slavery, prostitution, and hard labor. I am here on behalf of disenfranchised persons caught up in a heinous crime that has yet to be formalized. Your support of this resolution will show criminals, potential criminals, victims, potential victims, and the world the strength of Hawaii's commitment against human trafficking and slavery.

At the end of the day I am a human being who chooses to work to end the suffering of those unable to help themselves and to help prevent future suffering of others. Judiciary committee you have a choice.

You can continue in the spirit of Lady Liberty with the words inscribed at her base:

Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me,
I lift my lamp beside the golden door

Or you can place new words outside this building for all to know:
Force here your abducted, abandoned poor
Your hollowed hearts have given up being free
The worthless refuge of these wealthy shores
Ignore them, the helpless victims of man's greed
I douse my lamp outside prestigious doors

I would very much like to see an end to a system that robs generations of their culture, history, and ancestry. I am proud to be an American with the roots of two great continents. I have little curiosity about from what part of Africa or from what tribe of Native Americans I can claim my DNA. But the fundamental nature of how I came to be here is no different than the fundamental nature that brings many more to this country in chains of one form or another. Passing this law moves us farther along in combating this awful illustration of man's inhumanity to man. Esteemed judiciary. In passing this law you make a commitment that you want to prevent repeating our awful history of slavery in America.

Thank you for your time and attention to my testimony. May we all continue to be blessed...living free and content.

Namaste,

Gina M. Snowden, Daughter, Sister, Mother
Chief Master Sergeant (retired), United States Air Force
Citizen