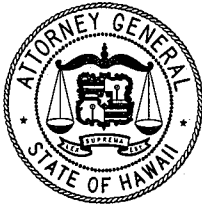


SB2045



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

ON THE FOLLOWING MEASURE:
S.B. NO. 2045, RELATING TO CRIME.

BEFORE THE:
SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

DATE: Monday, February 8, 2010 TIME: 9:30 a.m.

LOCATION: State Capitol, Room 016

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

Chair Taniguchi and Members of the Committee:

The Department of the Attorney General provides the following comments regarding this bill.

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

Page 10, line 20, to page 12, line 18

It should be noted that this proposed offense does not prohibit using the listed "means" to compel a person to engage in prostitution or sexually-explicit activity. It prohibits transporting (or aiding, assisting, or causing to be transported) or recruiting, enticing, or harboring a person to engage in prostitution or sexually-explicit activity caused by the "means." But under existing statutes, the State can already prosecute transporters and harborers as accomplices to underlying crimes, including sexual assault, promoting prostitution, promoting child abuse, and the crimes listed as "means."

It is unclear why this bill proposes restitution for "labor trafficking" victims but not "sexual human trafficking" victims.

Page 11, line 8

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, the transporter or harbinger would be guilty of a class A felony, while the actual extorter would be guilty of a lesser offense.

Page 11, line 9

Section 707-720(1)(g) (Kidnapping) already prohibits the knowing restraint of a person with the intent to unlawfully obtain services. This is already a class A felony. And a transporter or harbinger is already liable as an accomplice.

Page 11, lines 10-11

Under existing law, Unlawful Imprisonment may be a class C felony (section 707-721) or a misdemeanor (section 707-722). Thus, if this proposed section were enacted, the transporter or harbinger would be guilty of a class A felony, while the actual prisoner would be guilty of a lesser offense.

The Unlawful Imprisonment statutes prohibit the knowing restraint of another person under the circumstances described in those statutes. But knowing restraint with the intent to unlawfully obtain services is Kidnapping under section 707-720(1)(g). This is already a class A felony, and a transporter or harbinger is already liable as an accomplice.

Page 11, line 12

Under the existing section 712-1202 (Promoting Prostitution in the First Degree), compelling a person by force, threat, or intimidation to engage in prostitution, or profiting from such coercive conduct by another, is a class B felony. Thus, if this proposed section were enacted, the transporter or harbinger would be guilty of a class A felony, while the person who coerces or

profits from the coercion 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." A person who aids or agrees or attempts to aid the assailant in planning or committing the assault (for example, by transporting or harboring the victim) can already be prosecuted as an accomplice to the assault.

Using "threat" or "intimidation" to cause a person to engage in prostitution appears to be a form of Extortion under section 707-764, which prohibits obtaining or exerting control over the labor or services of another by threatening injury or "any other act . . . that is calculated to harm substantially some person with respect to the threatened person's health, safety, business, calling, career, financial condition, reputation, or personal relationships." (This "means" is already listed at page 11, line 8, of the bill.) Extortion may be a class B felony, a class C felony, or a misdemeanor. Thus, if this proposed section were enacted, the transporter or harbinger would be guilty of a class A felony, while the actual extorter would be guilty of a lesser offense.

Page 11, lines 19-22

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 existing laws.

Page 12, lines 1-2

Threatening financial harm appears to be a form of Extortion under section 707-764, which prohibits obtaining or exerting control over the labor or services of another by making certain threats by word or conduct, including threats of any act "that is calculated to harm substantially some person with respect to the threatened person's health, safety, business, calling, career, financial condition, reputation, or personal relationships." This "means" is already listed at page 11, line 8, of the bill.

Extortion may be a class B felony, a class C felony, or a misdemeanor. Thus, if this proposed section were enacted, the transporter or harbinger would be guilty of a class A felony, while the actual extorter would be guilty of a lesser offense.

**II. Proposed section 707-B
Sexual Human Trafficking in the Second Degree**

Page 13, line 9, to page 14, line 19

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 nexus with the prostitution, and no nexus with the "means" used to cause the prostitution. Thus, for example, a shop owner could be guilty of this offense (that is, guilty of owning his shop) if he recruits or continues to employ a willing employee after discovering that the employee's boyfriend is forcing her to also work as a prostitute.

In the case of a minor, compulsion is not required. Thus, for example, a fast food restaurant manager could be guilty of this offense (that is, guilty of managing the restaurant) if she recruits or continues to employ a minor after discovering that

the minor engages in a sexually-explicit activity outside of her restaurant work hours.

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

It is unclear why this bill proposes restitution for "labor trafficking" victims but not "sexual human trafficking" victims.

III. Proposed Section 707-C

Sexual Human Trafficking in the Third Degree

Page 14, line 20, to page 15, line 22

This proposed offense makes it a class C felony to engage in sexual conduct with a minor under the age of eighteen under circumstances that involve payment and transportation, recruitment, enticement, or harboring. But under existing laws, it is already a class C felony to engage in sexual contact, and a class A felony to engage in sexual penetration, with a minor under the age of sixteen, regardless of whether payment, transportation, recruitment, enticement, or harboring is involved. Thus, in cases involving minors under the age of sixteen, this proposed offense would make prosecutions more difficult by imposing additional elements that the State must prove beyond a reasonable doubt - and in cases involving sexual penetration, the penalties would be much lower than the current penalties.

Moreover, if this proposed offense is intended to protect minors from being caused to engage in sexual conduct, and to prevent people of all ages from the "means," then it is unclear why it applies only when transported, recruited, enticed, or harbored victims are involved.

And as written, the transportation element is meaningless

because everyone in the State has been "transported within the State."

**IV. Proposed section 707-D
Labor Trafficking in the First Degree**

Page 16, line 1, to page 19, line 4

It should be noted that this proposed offense does not prohibit using the listed "means" to compel a person to perform labor or services. It prohibits transporting (or aiding, assisting, or causing to be transported) or recruiting, enticing, or harboring a person "for the purpose of facilitating the obtaining, maintaining, or advancing of the [transported] person's labor or services" by the "means." But under existing statutes, the State can already prosecute transporters and harborers as accomplices to underlying crimes, including the crimes listed as "means".

Page 16, line 9

Under existing law, Extortion may be a class B felony, a class C felony, or a misdemeanor (section 707-764, *et seq.*). Thus, if this proposed section were enacted, the transporter or harborer would be guilty of a class A felony, while the actual extorter would be guilty of a lesser offense.

Page 16, line 10

Section 707-720(1)(g) (Kidnapping) already prohibits the knowing restraint of a person with the intent to unlawfully obtain services. This is already a class A felony. And a transporter or harborer is already liable as an accomplice.

Page 16, lines 11-12

Under existing law, Unlawful Imprisonment may be a class C felony (section 707-721) or a misdemeanor (section 707-722). Thus, if this proposed section were enacted, the transporter or harborer would be guilty of a class A felony, while the actual

imprisoner would be guilty of a lesser offense.

The Unlawful Imprisonment statutes prohibit the knowing restraint of another person under the circumstances described in those statutes. But knowing restraint with the intent to unlawfully obtain services is Kidnapping under section 707-720(1)(g). This is already a class A felony, and a transporter or harbinger is already liable as an accomplice.

Page 16, lines 13

Existing Extortion laws (section 707-764 *et seq.*) already prohibit obtaining or exerting control over the labor or services of another by making certain threats by word or conduct, including threats of injury or "any other act . . . that is calculated to harm substantially some person with respect to the threatened person's health, safety, business, calling, career, financial condition, reputation, or personal relationships." This "means" is already listed at page 16, line 9, of the bill.

Extortion may be a class B felony, a class C felony, or a misdemeanor. Thus, if this proposed section were enacted, the transporter or harbinger would be guilty of a class A felony, while the actual extorter would be guilty of a lesser offense.

Page 16, lines 19-21

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, or Unlawful Imprisonment, which are already prohibited under existing laws.

Page 17, lines 1-2

Threatening financial harm appears to be a form of Extortion under section 707-764, which prohibits obtaining or exerting control over the labor or services of another by making

certain threats by word or conduct, including threats of any act "that is calculated to harm substantially some person with respect to the threatened person's health, safety, business, calling, career, financial condition, reputation, or personal relationships." This "means" is already listed at page 16, line 9, of the bill.

Extortion may be a class B felony, a class C felony, or a misdemeanor. Thus, if this proposed section were enacted, the transporter or harbinger would be guilty of a class A felony, while the actual extorter would be guilty of a lesser offense.

Page 18, line 9, to page 19, line 4

It is unclear why this bill proposes restitution for "labor trafficking" victims but not "sexual human trafficking" victims.

**V. Proposed section 707-E
Labor Trafficking in the Second Degree**

Page 21, line 21, to page 23, line 12

As written, this offense would criminalize the act of managing, supervising, controlling, or owning a business or enterprise that "engages" a person, knowing, or in reckless disregard of the risk, that the person has been

transported, . . . recruited, enticed, or harbored, with the intent to facilitate obtaining, maintaining, or advancing the [person's] performance of labor or services for the purposes in paragraph (a).

But paragraph (a) of proposed section 707E-1 does not indicate any purposes.

As written, the "intent to facilitate" refers to the transporter, recruiter, trafficker, or harbinger, not the manager, supervisor, controller, or owner.

As written, the act of managing, supervising, controlling,

or owning a business or enterprise is a crime even when the business has no nexus with the subject labor or services. Thus, for example, a shop owner could be guilty of this offense (that is, guilty of owning his shop) if he "engages" a willing employee to work at his shop after discovering that the employee is being forced to work at another business against her will.

Page 19, lines 17-18

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

Page 20, lines 8-17

It is unclear why this bill proposes restitution for "labor trafficking" victims but not "sexual human trafficking" victims.

Page 21, lines 8-20

This provision could cause a business license holder to lose the license because of a crime committed by an employee or co-owner, even if the license holder was unaware of the crime, and even if the crime has no connection with the business. The provision allows reinstatement of the license, but only after the license holder loses the license, shuts down the business, and goes through a potentially lengthy and costly petition process.

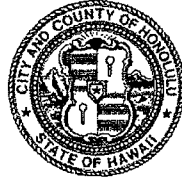
**VI. Proposed section 707-F
Labor Trafficking in the Third Degree**

Page 21, line 21, to page 23, line 12

As written, this proposed offense would prohibit paying a person for labor or services performed by that person. It appears that it was intended to prohibit payment to a person who uses the "means" to compel the performance of labor or services.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



MUF: HANNEMANN
MAYOR

LOUIS M. KEALOHA
CHIEF

DELBERT T. TATSUYAMA
RANDAL K. MACADANGDANG
DEPUTY CHIEFS

OUR REFERENCE SN-NTK

February 8, 2010

The Honorable Brian T. Taniguchi, Chair
and Members
Committee on Judiciary and
Government Operations
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Members:

Subject: Senate Bill No. 2045, 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, 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, Relating to Crime.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean C. Naito".

SEAN C. NAITO, Captain
Criminal Investigation Division

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoha".

LOUIS M. KEALOHA
Chief of Police



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

February 8, 2010

Testimony in Support: SB 2045, Related to Human Trafficking

To: Senator Brian Taniguchi, Chair and Senator Dwight Takamine, Vice Chair and Members of the Senate Committee on Judiciary and Government Operations.

From: Katie Reardon, Vice President of Government & Public Affairs

Re: Testimony in Support of SB 2045

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. The Polaris Project ranks Hawaii as one of the ten worst states for its efforts in responding to human trafficking.³ 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.

³ *Ten Best and Worst State Human Trafficking Laws*, Polaris Project, accessed from <http://www.polarisproject.org/images/state%20rating%20map.pdf>

Washington, DC
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Fax: +1-202-745-1119
www.PolarisProject.org



POLARIS PROJECT
FOR A WORLD WITHOUT SLAVERY

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Tokyo, Japan 100-8692
Tel: +81-50-3496-7615
www.PolarisProject.jp

February 4, 2010

The Honorable Brian T. Taniguchi
Chair, Senate Committee on Judiciary and Government Operations
Hawaii State Capitol, Room 219
415 South Beretania Street
Honolulu, HI 96813

RE: SB 2045 (Chun Oakland) – SUPPORT

Dear Senator Taniguchi and Members of the Senate Committee on Judiciary and Government Operations:

On behalf of Polaris Project, a national organization committed to combating human trafficking within the United States, I urge you to **support Senate Bill 2045** by Senator Chun Oakland.

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, which affects minors, adults, citizens, and foreign nationals. We also operate the National Human Trafficking Resource Center hotline (1-888-3737-888).

Human Trafficking Globally. 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. Every year traffickers generate billions of dollars by exploiting those seeking to cross international borders in search of a better life as well as those who are vulnerable within the United States, including in Hawaii.

Approximately 27 million people worldwide live under conditions of slavery. The U.S. government has estimated that 17,500 victims are trafficked into the United States annually, in addition to those trafficked within the United States, and end up trapped in residential brothels or “massage parlor”-front brothels, the migrant farm work industry, restaurants, or in domestic servitude. In addition, experts estimate that 100,000 American children are trafficked every year. Traffickers capitalize on domination over these vulnerable populations, creating isolated and often unhealthy living conditions. 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.

Human Trafficking in Hawaii. Trafficking flourishes in Hawaii, and there is no law to hold traffickers accountable and to protect victims. Hawaii is a source, transit, and destination state for the transnational trafficking of foreign nationals as well as the internal trafficking of U.S. citizens. Human trafficking affects men, women, and children in Hawaii. However, statistics are very hard to come by for this crime because it is a hidden crime with a hidden victim population.

There is a groundswell of support for ending human trafficking in the United States, as demonstrated by the passage of anti-human trafficking laws in 44 states and by Congress’ nearly unanimous reauthorization of the Trafficking Victims Protection Act (TVPA) in 2008. But more must be done. Due to the clandestine

nature of human trafficking, the physical and psychological trauma of victims, and the inability of federal law enforcement to investigate every case, comprehensive laws in every state are needed.

Hawaii's passage of this anti-human trafficking legislation would add Hawaii to the 44 states that have already passed anti-human trafficking laws. Other states' laws include criminal provisions, victim services provisions, law enforcement training provisions, task forces and research commissions, and many other provisions.

Support for Senate Bill 2045. Senate Bill 2045 will criminalize human trafficking and protect victims in Hawaii. Particularly important elements of this legislation include:

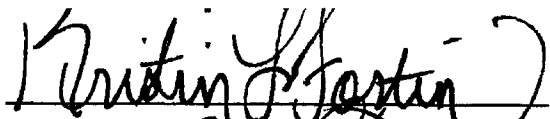
- Creating new human trafficking crimes, including criminalizing sex trafficking and labor trafficking, and penalties;
- Providing for mandatory restitution to victims; and
- Providing for asset forfeiture.

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, this legislation aims to create a context in which survivors of human trafficking are empowered to escape their tragic situations and rebuild their lives.

If the Senate Committee on Judiciary and Government Operations has any questions or concerns with any of the provisions in Senate Bill 2045, we would be happy to provide further clarification and explanations based on our experience of serving survivors and supporting improved anti-human trafficking laws in many other states across the country.

On behalf of the victims whose voices are too often silenced, we urge you to support Senate Bill 2045 to take one step closer to eradicating human trafficking in the United States and within Hawaii.

Sincerely,




Kristin L. Fortin
Policy Counsel
Policy and Legal Department
Polaris Project
P.O. Box 77892
Washington, DC 20013
KFortin@PolarisProject.org
(202) 745-1001 ext. 132



DATE: February 5, 2010

TO: SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
 Senator Brian T. Taniguchi, Chair
 Senator Dwight Y. Takamine, Vice Chair

FROM: STACEY MONIZ, EXECUTIVE DIRECTOR,
 WOMEN HELPING WOMEN, MAUI AND LANAI 

RE: RELATING TO CRIME: ESTABLISHING HUMAN TRAFFICKING OFFENSES
 SB 2045

Aloha Senators:

I am submitting testimony in strong support of SB 2045 that creates laws to enforce and protect victims of human trafficking in the state of Hawaii. Currently, Hawaii is one of only seven states in our country that does not have any laws to protect victims of human trafficking. As one of the gateway cities into our country, particularly for people from Asia and the Pacific, we are a prime location for international human trafficking, and even closer to home, local intrastate human trafficking is an alarming and growing problem.

I have been shocked and frightened to learn that 8 out of 10 human sex trafficking victims in our state are young teenaged girls being prostituted, some have been kidnapped from neighbor islands, others lured to the big city with promises of good money and independence only to be coerced and physically forced to work as a sex slave or face physical punishment, rape or threats of death.

Our state needs to create legal remedies for these victims so that law enforcement and the criminal justice system can rescue current victims and protect future victims from suffering the same experiences now and in the future.

Again I STRONGLY urge you to support this important bill, SB 2045.

Thank you for your support. Please feel free to contact me at 808-242-6600 x20 or via email at director@whwmaui.net should you want more information or have any questions.

Maui
 United Way



1935 Main Street
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 Wailuku, HI 96793

Phone: (808) 242-6600
 Fax: (808) 249-8147

www.whwmaui.net



SOROPTIMIST

Best for Women

Soroptimist International of Waikiki Foundation, Inc.

P.O. Box 1615

HONOLULU, HAWAII 96806-1615

a 501 (c)(3) organization

Federal ID No. 99-0245508

February 5, 2010

ATTN TO: **Committee on Judiciary and Government Operations**
 Sen. Brian Taniguchi, Chair and Sen. Dwight Y. Takamine,
 Vice Chair, Sen. Robert Bunda, Sen. Mike Gabbard,
 Sen. Clarence K. Nishihara, Sen. Sam Slom

HEARING DATE/ TIME: February 8, 2010, 9:30 am
 PLACE: Conference Room 016, State Capitol
 FAX: 586-6659, Senate Sergeant-at-Arms Office

RE: **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 Senators Taniguchi and Takamine and Committee Members:

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.

Soroptimist International, whose mission is the improvement of the lives of women and girls, feel that there is no valid excuse to ignore the passage of a state law against Human Trafficking. We urge you to pass SB 2045, a bill which carries the highest penalty available to criminals who traffic or patronize trafficked persons, setting mandatory minimums for the traffickers and patrons of trafficked children. This bill effectively addresses the growing problem of Human Trafficking in Hawaii.

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

If Hawaii had had an adequate Human Trafficking Law in 1999, King's current victims, who were allegedly drugged and then forced into commercial sexual exploitation while he reaped all of their earnings, would not have had to suffer as they did. (U.S. Department of Justice Press Release; 09-601; June 18, 2009). **Please pass SB2045 and do not allow its text to be adulterated by politics.**

Sincerely,

Carolyn Y. Ballou

President, Soroptimist International of Waikiki Foundation

Cellular: 808-561-2836

Jeannine Johnson, Legislative Sub-Committee Chair

Kuli'ou'ou / Kalani Iki Neighborhood Board #2

5648 Pia Street, Honolulu, Hawai'i 96821

Phone: 373-2874 (h) / 537-7261 (w)

February 7, 2010

COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

Senator Brian T. Taniguchi, Chair

Senator Dwight Y. Takamine, Vice Chair

SB 2045 RELATING TO CRIME

Hearing: Monday, February 8, 2010 at 9:30 am in Conference Room 016

Aloha Chair Taniguchi, Vice Chair Takamine and Honorable Committee Members,

As Committee Chair of the **Kuli'ou'ou / Kalani Iki Neighborhood Board #2** Legislative Sub-Committee, I am pleased to inform you **Neighborhood Board #2** strongly supports SB2045 which 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. **Neighborhood Board #2** represents over 6,000 households, with a population of almost 20,000 people (State of Hawaii Data Book 2002) in East Honolulu.

At its June 4, 2009, meeting, **Neighborhood Board #2** discussed how the rise in Human Trafficking among international and domestic trafficked persons is increasing in Hawai'i, and adversely affecting the image of the state and therefore tourism and the economy. They agreed that existing legislation and law enforcement activities in Hawai'i are ineffective to deter Human Trafficking and protect victims of trafficking, who are often in Hawai'i without proper documentation for falsified identification and are frequently punished instead of the traffickers themselves.

Therefore, **Neighborhood Board #2** voted unanimously to urge the State Legislature, the Governor of Hawai'i, 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 proposed by the Pacific Alliance to Stop Slavery.

Your support of SB2045 is respectfully requested.

Mahalo,



Legislative Sub-Committee Chair

Kuli'ou'ou / Kalani Iki Neighborhood Board #2

cc via email: Chair Robert Chuck
Sen. Sam Slom
Rep. Lyla Berg
Rep. Barbara Marumoto

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(Girl Fest)

February 5, 2010

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ATTN: Committee on Judiciary and Government Operations
Sen. Brian Taniguchi, Chair
Sen. Dwight Y. Takamine, Vice Chair
Sen. Robert Bunda
Sen. Mike Gabbard
Sen. Clarence K. Nishihara
Sen. Sam Slom

HEARING DATE: February 8, 2010
HEARING TIME: 9:30am
PLACE: Conference Room 016, State Capitol

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 and Government Operations:

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 HB1940, a bill which carries the highest penalty available to criminals who traffick or patronize trafficked persons, setting mandatory minimums for the traffickers and patrons of trafficked children. This bill effectively addresses the growing problem of Human Trafficking in Hawaii.

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.

Sincerely,



Kathryn Xian
Executive Director



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



**The PACIFIC ALLIANCE
to STOP SLAVERY**

Supporters

February 5, 2010

American Association of
University Women

Bluewater Mission

Catholic Diocese
of Honolulu

Equality Now

Hawaii State Commission
on the Status of Women

Imago Dei
Christian Community

International Justice Mission

Kumulani Chapel
(Lahaina, Maui)

Not For Sale

Pacific Survivor Center

Soroptimists International
of Waikiki Foundation

Women Helping Women
(Wailuku, Maui)

Neighborhood Boards:

1. Ala Moana/Kakaoka
2. Aiea
3. Downtown
4. Hawaii Kai
5. Kahaluu
6. Kailua
7. Kaimuki
8. Kaneohe
9. Kuliouou
10. Palolo
11. Waikiki
12. Waimanalo
13. Waipahu

ATTN: Committee on Judiciary and Government Operations
 Sen. Brian Taniguchi, Chair
 Sen. Dwight Y. Takamine, Vice Chair
 Sen. Robert Bunda
 Sen. Mike Gabbard
 Sen. Clarence K. Nishihara
 Sen. Sam Slom

HEARING DATE: February 8, 2010
HEARING TIME: 9:30am
PLACE: Conference Room 016, State Capitol

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 and Government Operations:

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The PACIFIC ALLIANCE
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The people of Hawaii find this unacceptable. Please pass SB2045.

Sincerely,

A handwritten signature in black ink that reads "Veronica Lamb". The signature is written in a cursive, flowing style.

Veronica Lamb

TEMPLATE FOR SENATE JUDICIARY HEARING

Date: February 5, 2010

ATTN: **Committee on Judiciary and Government Operations**
Sen. Brian Taniguchi, Chair
Sen. Dwight Y. Takamine, Vice Chair
Sen. Robert Bunda
Sen. Mike Gabbard
Sen. Clarence K. Nishihara
Sen. Sam Slom

HEARING DATE: February 8, 2010
HEARING TIME: 9:30am
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FAX: 586-6659

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Sincerely,

Stephanie Tolentino

Date: February 5, 2010

ATTN: **Committee on Judiciary and Government Operations**
Sen. Brian Taniguchi, Chair
Sen. Dwight Y. Takamine, Vice Chair
Sen. Robert Bunda
Sen. Mike Gabbard
Sen. Clarence K. Nishihara
Sen. Sam Slom

HEARING DATE: February 8, 2010
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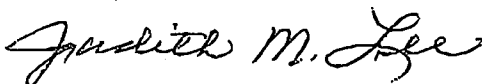
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Sincerely,



Judith M. Lee
Registered Voter in the State of Hawaii

Date: February 5, 2010

ATTN: **Committee on Judiciary and Government Operations**

Sen. Brian Taniguchi, Chair
Sen. Dwight Y. Takamine, Vice Chair
Sen. Robert Bunda
Sen. Mike Gabbard
Sen. Clarence K. Nishihara
Sen. Sam Slom

HEARING DATE: Monday, February 08, 2010

HEARING TIME: 9:30am

PLACE: Conference Room 016, State Capitol, 415 South Beretania Street, Honolulu, HI

SB2045 - RELATING TO CRIME - Human Trafficking Offenses; Crime

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

Sincerely,

Macy Huynh

2444 Hihiwai Street #2204

Honolulu, HI 96826

(909) 553-0333

Macy.huynh@gmail.com

TEMPLATE FOR SENATE JUDICIARY HEARING

Date: February 5, 2010

ATTN: **Committee on Judiciary and Government Operations**
Sen. Brian Taniguchi, Chair
Sen. Dwight Y. Takamine, Vice Chair
Sen. Robert Bunda
Sen. Mike Gabbard
Sen. Clarence K. Nishihara
Sen. Sam Slom

HEARING DATE: February 8, 2010
HEARING TIME: 9:30am
PLACE: Conference Room 016, State Capitol

FAX: 586-6659

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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.

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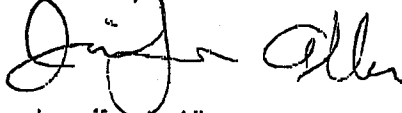
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As a law student at the William S. Richardson School of Law and active member in Hawaii's community I urge you to pass SB2045 to help strengthen the laws protecting the vulnerable members of Hawaii's society.

It is true that the federal government prosecutes trafficking cases under the Trafficking Victims Protection Act. HOWEVER, the federal government strongly supports state legislation that criminalizes human trafficking as their resources are often limited to cases involving many victims and not just individual trafficked victims.

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

Sincerely,



Jennifer A. Allen
2010 Jurisdoctorate candidate
William S. Richardson School of Law

From: Tracy A Ryan [tracyar@hawaiiantel.net]
Sent: Friday, February 05, 2010 10:23 AM
To: JGO Testimony
Subject: Testimony
Attachments: image001.jpg

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

TESTIMONY

RE: SB 2045 to be heard Monday, February 8, 2010 at 9:30 AM in conference room #016

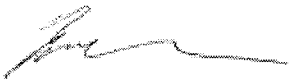
To the Members of the Senate Committee on Judiciary and Government Operations

The Libertarian Party of Honolulu opposes the SB 2045. This is little more than a long irrational rant. There is a mountain of good research contradicting the junk science proposed by radical ideologues about trafficking, sexual slavery, and other fears.

Unfortunately, you have scheduled the hearing on this bill at the same time as the quarterly meeting of the Inter-agency Outreach Workers Coalition; the very people who have the most real expertise on these issues.

The bill is the product of a group called PASS whose website www.traffickingjamming.org speaks volumes about the confused irrational nature of their effort. Before any decision making you should visit both this website and the alternative view at www.APLEHawaii.org. You should also ask the woman behind this legislation to explain the remarks about corruption she makes in her posting of January 8th. See second page.

Sincerely:



Tracy Ryan
Oahu County Chair, The Libertarian Party of Hawaii

PLEASE ASK FOR AN EXPLANATION OF THESE SLANDERS

"Word from Honolulu Police Department and the City Prosecutors Office

Posted by Kathryn Xian at 11:23am on January 8th, 2010

HPD and the Prosecutors Office under Peter Carlisle will not support a Human Trafficking Bill because they did not think of creating it themselves. But, they do not think there is a need anyway.

Help change their minds! Spread the word to your friends to march with us against Human Trafficking, against Bureaucracy, and against corruption at the MLK PARADE January 18th at 8am!

MARCH FOR FREEDOM!

THIS YEAR IS AN ELECTION YEAR! YOUR VOICE COUNTS!

TELL FRIENDS TO RSVP HERE: <http://www.facebook.com/event.php?eid...>"

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 05, 2010 10:30 AM
To: JGO Testimony
Cc: mpeary1947@aol.com
Subject: Testimony for SB2045 on 2/8/2010 9:30:00 AM

Testimony for JGO 2/8/2010 9:30:00 AM SB2045

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Margaret Peary
Organization: Individual
Address:
Phone:
E-mail: mpeary1947@aol.com
Submitted on: 2/5/2010

Comments:

TEMPLATE FOR SENATE JUDICIARY HEARING

Date: February 5, 2010

ATTN: **Committee on Judiciary and Government Operations**
Sen. Brian Taniguchi, Chair
Sen. Dwight Y. Takamine, Vice Chair
Sen. Robert Bunda
Sen. Mike Gabbard
Sen. Clarence K. Nishihara
Sen. Sam Slom

HEARING DATE: February 8, 2010
HEARING TIME: 9:30am
PLACE: Conference Room 016, State Capitol

FAX: 586-6659

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

Human Trafficking is best described and understood as modern day slavery. It is a system of abuse and oppression that is operating at an alarming rate.

As a law student in Hawaii, and conscious member of the community I strongly support the passing of SB2045 and request that the Hawaii legislature aim to protect all citizens who are affected by the current standard.

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

Sincerely,

Fawn Jade Koopman
2012 Jurisdoctorate candidate
William S. Richardson School of Law

From: Mano Nguyen [mnguyen@higoodwill.org]
Sent: Friday, February 05, 2010 12:10 PM
To: JGO Testimony
Cc: mano@traffickjamming.org
Subject: Testimony for Human Trafficking Bill, SB2045
Attachments: image001.jpg

Dear Senator Brian T. Taniguchi,

I'm writing a testimony in support of the Human Trafficking Bill SB2045 that I hope will get passed soon.

DATE: Monday, February 08, 2010
TIME: 9:30 a.m.
PLACE: Conference Room 016
State Capitol
415 South Beretania Street

I was born in Saigon, Vietnam in 1972. In 1975, during the "Fall of Saigon" the communist movement down to South Vietnam caused my family had to evacuate Vietnam. My family left all of their possessions, homes, careers, and some family members behind to flee to the United States of America as political refugees to live a life of freedom. My father was a Lieutenant Commander with the South Vietnamese Government who taught hand to hand combat to US Marines to help the United States fight against the communist. Because of my father's involvement to fight for freedom and justice, we were able to catch one of the last helicopters off the rooftops of the US Embassy out of Saigon on to US Naval Carriers.

After coming to America, my family was fortunate to have local churches and sponsors in Texas that took us in. The relationships that my father made with Marines and Soldiers while in Vietnam opened up doors and opportunities for us in Houston where I grew up. My family became one of the first Vietnamese refugees that settled in the area. All of my family members got US citizenship a few years after. Because of the liberties and freedom under the blanket of the United States to live that American Dream, most of my cousins that I grew up with are now PhD's, teachers, doctors, lawyers, military veterans, accountants, and professionals in their communities. Because of the opportunities given to us, we are now able to give back to a country that has given the freedom to us. We proudly do our jobs to help enrich the diversity and strength of what America is now.

As I grew up I saw how passionate my father and uncles were as they discussed how important it is to fight for human rights. Learning about how communist treated innocent people and taking their freedoms away, beating them, torturing them, starving them, and raping them, my heart grew to also stand up for human rights.

I proudly served in the United States Navy from February 1994 until May 2002 as an infantry medic and emergency medical technician. My tour of duty allowed me the honor of serving with the brave Sailors and Marines at Naval Hospital Oakland, Camp Pendleton, Kaneohe Bay Marine Base, 3d Battalion – 3d Marines, Camp Hansen – Okinawa, Japan, US Marine deployments to Korea with 3d Marines, Naval Medical Clinic Kaneohe, Pearl Harbor Naval Base – Naval Medical Clinics Makalapa and Shipyard Clinic, and Barbers Point Medical Clinic. I've competed at the highest levels in military competition as I played on the Hawaii Marines Volleyball team. I also had the honor of travelling to Japan to compete against the top military teams in Japan and Okinawa to represent the United States Marines in Hawaii.

The US Navy gave me an opportunity to come to Hawaii in 1996 and after my enlistment; I used the Montgomery GI Bill to finish college degree at Hawaii Pacific University. Hawaii has been home to me ever since. The diverse population here has shown nothing but Aloha to my family and I. In 2008, I attended the Human Trafficking conference during GirlFest and heard testimonies and statistics about the increasing growth of human trafficking here in Hawaii. It's very alarming that Hawaii is one out of seven states that has yet to adopt a human trafficking bill.

Since then, I became involved with the PASS (Pacific Alliance to Stop Slavery) to end human trafficking here. Why hasn't the Hawaii legislative team passed a bill to support these human rights issues? Businesses, hotels, travel brochures, and tourism advertise Hawaii as a paradise vacation spot. Little do these tourists and locals know about the sex trafficking that goes on here. Women and children are beaten, forced, coerced, drugged, raped, and sold into sexual slavery for PROFIT. Since I've joined PASS, I've seen and witnessed an increasing number of volunteers, law students, social workers, doctors, pastors, law students, and professionals that are getting more involved to raise awareness and support outreach. Local churches have banded together to raise money and awareness about the issue. With the increasing

demand to end human trafficking in Hawaii, we are using social media and partnerships to the fullest to get the word out. In addition to social media efforts, more and more people are attending neighborhood board meetings, community meetings, and supporting fundraisers at various local restaurants. Local businesses are supporting the cause to spread the word. Our volunteers have worked hard with outreach and at times, there are success stories for these victims but more needs to be done.

These victims have the right to live in the same freedoms that we live in. Help us end modern day slavery. I sincerely urge you and the rest of your legislative team in Hawaii to not only pass this bill but to also assist us after it's been approved so that we together can end human trafficking here in Hawaii. Until then, as our numbers of volunteers grow, we'll all continue to fight the fight.

Best Regards,

Mano Nguyen

Goodwill Industries of Hawaii

Employer Relations Specialist

SEE Program

1085 S. Beretania St. Ste. 204

Honolulu, Hawaii 96814

Office: 808-792-8551

Mobile: 808-888-2773

Fax: 808-690-9782

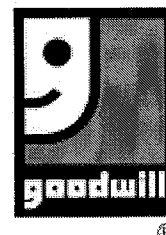
MNguyen@higoodwill.org

www.seehawaiiwork.org

www.higoodwill.org

Goodwill

Industries of Hawaii, Inc.



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From: snylhonolulu@cs.com
Sent: Friday, February 05, 2010 12:21 PM
To: JGO Testimony
Subject: SB 2045 Sex Trafficking Bill

Senator Brian T. Taniguchi, Chairperson
Senator Dwight Y. Takamine, Vice Chairperson
Committee on Judiciary and Government Operations

February 5, 2010

Dear Senator Taniguchi and Senator Takamine:

RE: SB 2045 Sex Trafficking

The children of the State of Hawaii and the United States need the protection that this bill offers with its increase in penalties for sex trafficking.

The girls and young women who are the victims of this multi-million dollar illicit trade across and within state lines would otherwise be individuals whose lives have hope and a future. Instead, due to the unrestrained actions of pimps who hide their crimes in the loopholes of the law, many underage girls are kidnapped, lured, brainwashed into the "body trade," in which they are led to believe that they are worth no more than the number of male customers their bodies can bring in per hour, per 24 hours, per week, per month, per year.

All of the money paid for their flesh goes to the pimp, and constitutes the third largest international criminal enterprise and source of income for felonious behavior. To "corrale" these youth and destroy their future, physical harm, psychological threats, religious threats, the withholding of identification documents, threats to the children they become impregnated with, "model" murders of other girls as examples of what might happen to them, nights spent in car trunks, ice water "baths", multiple rapes, all are used to keep these young human beings at a time and place (the point of sale) where the pimp can make money to pay for his houses, his furs, his Armani suits, his three hundred dollar shoes, his girls, his multiple cars.

Not only is this unconscionable, but in many cases this is extreme child abuse. Many of the girls are "trained" when they are underage, because that is what the customers demand -- youth.

This raises up generations of men who have impaired consciences, because they think nothing of destroying the lives of these young girls, by buying their bodies.

Can we say that these are worthy citizens of these United States, who will fight for the rights of the weak and downtrodden? For those who have no voice, hour after hour, day after day, month after month, year after year, until they are either discarded as diseased or "too old"?

The least we can do as a state and a nation is set ourselves apart from the Middle 'East, where females are still enslaved, and from Thailand here child prostitutes are the norm, and other Asian nations where Rape videos are popular, and create frightenin norms of fatherhood.

Thank you for considering this testimony.

Sincerely,

Susan Liang
Registered Voter
State of Hawaii

From: Laulani Teale [laulani@gmail.com]
Sent: Friday, February 05, 2010 12:56 PM
To: JGO Testimony
Subject: SB 2045 - Support

Aloha Kakou,

I am writing in support of SB 2045. While I feel that preventive measures, along with greater means for victims to escape trafficking, should be the primary focus of anti-trafficking efforts (and should also receive future legislative attention and funding), it is also important to shift the locus of responsibility to those who are doing the exploiting, rather than the exploited.

Mahalo nui loa,
Laulani Teale

(808)247-8063
45-666 Uhilehua Street
Kane'ohe, Hawai'i 98744

TEMPLATE FOR SENATE JUDICIARY HEARING

Date: February 5, 2010

ATTN: **Committee on Judiciary and Government Operations**
Sen. Brian Taniguchi, Chair
Sen. Dwight Y. Takamine, Vice Chair
Sen. Robert Bunda
Sen. Mike Gabbard
Sen. Clarence K. Nishihara
Sen. Sam Slom

HEARING DATE: February 8, 2010
HEARING TIME: 9:30am
PLACE: Conference Room 016, State Capitol

FAX: 586-6659

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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 and do not allow its

text to be adulterated by politics.

Sincerely, *Elizabeth V. Sloan*

(Your name) ELIZABETH V. SLOAN

PAGE

PAGE 2

Date: February 5, 2010

ATTN: Committee on Judiciary and Government Operations

Sen. Brian Taniguchi, Chair
Sen. Dwight Y. Takamine, Vice Chair
Sen. Robert Bunda
Sen. Mike Gabbard
Sen. Clarence K. Nishihara
Sen. Sam Slom

HEARING DATE: February 8, 2010
HEARING TIME: 9:30am
PLACE: Conference Room 016, State Capitol

FAX: 586-6659

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 and Government Operations:

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, a bill which carries the highest penalty available to criminals who traffick or patronize trafficked persons, setting mandatory minimums for the traffickers and patrons of trafficked children. This bill effectively addresses the growing problem of Human Trafficking in Hawaii.

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 and do not allow its text to be adulterated by politics.

Sincerely,

Gina Cardazone

TEMPLATE FOR SENATE JUDICIARY HEARING

Date: February 5, 2010

ATTN: **Committee on Judiciary and Government Operations**
Sen. Brian Taniguchi, Chair
Sen. Dwight Y. Takamine, Vice Chair
Sen. Robert Bunda
Sen. Mike Gabbard
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As an individual who has worked in state government, it is very evident that federal laws are not sufficient enough to bring justice. It is our local law enforcement that patrol the streets, do busts and investigations to gather intelligence on human trafficking, but the only statutes they can use are promoting prostitution statutes, which place the victim and perpetrator in the same criminal category.

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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 methamphetamine 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. The City and Council of Honolulu has passed Resolution 09-284 urging the state legislature to pass a law making this crime a felony offense. Please pass SB2045 and do not allow its text to be adulterated by politics. We know that all of you are against human trafficking. But in order to effectively address it, we need you to pass a state law.

Sincerely,

Veronica Gacica

TEMPLATE FOR SENATE JUDICIARY HEARING

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Sincerely,

Brandy Marcoux

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(U.S. Department of Justice Press Release; 09-601; June 18, 2009)

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Sincerely,

Keith Anthony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 06, 2010 6:01 PM
To: JGO Testimony
Cc: lisalu123@msn.com
Subject: Testimony for SB2045 on 2/8/2010 9:30:00 AM

Testimony for JGO 2/8/2010 9:30:00 AM SB2045

Conference room: 016
Testifier position: support
Testifier will be present: No
Submitted by: Lisa Lujan
Organization: Individual
Address: 241 Oluea CIRCLE Kihei Hawaii 96753
Phone: 808-269-6402
E-mail: lisalu123@msn.com
Submitted on: 2/6/2010

Comments:

I believe Hawaii needs a Human Trafficking Law defining what human trafficking is, making it a felony offense and protection for the victims of this grevieous crime. The existing laws allow for the persons involved in trafficking women and children for the pupose of exploitation is unacceptable. What if it was your daughter, sister, child? You would be devastated. There are many people and organizations such as PASS who are willing and ready to help victims escape this nightmare. We the people of Hawaii need to stand up for those who cannot speak for themselves Please do what is right and not bend for those who are corrupt.We the people are counting on our legislators to hear the voice of the people. You work for us. "The life of the land is perpetuated in righteousness."

February 5, 2010

To: **Committee on Judiciary and Government Operations**
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Sen. Sam Slom

HEARING DATE: February 8, 2010
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PLACE: Conference Room 016, State Capitol

FROM: Lachhindra Maharjan, MSW Practicum student at NASW Hawaii

RE: SB2045 - RELATING TO CRIME – Human Trafficking Offenses; Crime- SUPPORT

Chair Brian Taniguchi, Vice Chair, Dwight Y. Takamine and other members of Committee on Judiciary and Government Operations, I am Lachhindra Maharjan, a social work student from Hawaii Pacific University and I am doing my internship at National Association of Social Workers, Hawaii Chapter. I am testifying in **SUPPORT of SB2045 - RELATING TO CRIME – Human Trafficking Offenses; Crime.**

NASW supports making human trafficking for any purposes including sexual exploitation and labor exploitation a first degree Class A offense. The NASW Code of Ethics and the Association's existing policy statements provide ample justification for the Association to take a strong position in opposition to human trafficking and support vigorous enforcement of laws protecting victims and survivors of human trafficking from violence, including from pimps and police.

I personally consider human trafficking as a worst form of human rights violation which exists as a modern-day practice of slavery and as a shameful inhumane act. This problem has become a multi-billion-dollar-a-year business, surpassing illegal arms dealing and ranking as the second largest criminal industry in the world after drug dealing. In many developing countries like my home country Nepal, we have data of 20000 women being trafficked annually to Indian brothels. Illiteracy, poverty, unemployment, male domination and lack of right concern towards this issue from the legislatures and the government sectors have facilitated the growth of this problem. My experience in Nepal working with the issue of human trafficking for last couple of years convinced me that negligence of the government to address this problem was the biggest hindrance in containing this social problem. I never thought that the same would be the case in Hawaii, one of the states of the U.S. I am disheartened to know that even the City Prosecutor and the Attorney General of state of Hawaii have testified against all past human trafficking bills making their argument that the laws related to human trafficking were not needed in Hawaii. Sadly, Hawaii remains one of the seven states without state laws defining human trafficking. Consequently, Hawaii has remained a safe transit and destination point for the traffickers to bring thousands of women and children for prostitution in the US.

I have neither political affiliation nor any vested interest but still as a sensible human being, I cannot blindfold myself and remain silent watching such inhumane treatment to our fellow human beings who deserve equal rights to live their life with dignity and happiness. I would like to ask everyone in this room – "How would you feel, if your sisters/daughters were victimized by traffickers? Will you remain silent and helpless just because this state does not have laws related to it?"

Indeed, it is high time to keep aside political interests and feel from your heart for giving justice to the victims as if they were your own daughters and sisters. I urge all of you to act genuinely to establish a state law against human trafficking and protecting the rights of our fellow sisters and brothers. I personally would like to see this bill passed and enforced before I leave this place. I wouldn't like to tell my people in Nepal about Hawaii as a state with worst form of human rights violation. Rather, I will be happy to learn from your positive actions and hope to replicate similar laws/policies and actions in Nepal too. With a strong feeling of brotherhood, I appeal for the justice for the immigrants and the citizens of this country.

Thank for the opportunity to testify.