

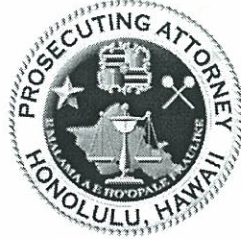
DEPARTMENT OF THE PROSECUTING ATTORNEY

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**THE HONORABLE CLAYTON HEE, CHAIR
SENATE COMMITTEE ON JUDICIARY
Twenty-sixth State Legislature
Regular Session of 2011
State of Hawai`i**

April 4, 2011

RE: H.B. 240; RELATING TO PROMOTING PROSTITUTION

Chair Hee, Vice-Chair Shimabukuro and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney submits the following testimony in strong support of House Bill 240.

The purpose of House Bill 240 is to amend Hawaii Revised Statutes, Section 28-101, to require that the Attorney General give "greatest priority" to cases involving promoting prostitution, when determining whether to provide or fund witness security and protection. This amendment would make promoting prostitution witnesses an equal priority as those witnesses testifying in cases of organized crime, racketeering, or career criminal matters.

The Department of the Prosecuting Attorney has placed, and will continue to place, a strong emphasis on vigorously pursuing the prosecution of individuals who profit from the sexual exploitation of women and children. The success of those prosecutions, however, depends on the ability to secure and maintain the cooperation of those individuals who have suffered at the hands of those who reap financial benefits off the misery of the victims of prostitution. Many of the prostituted persons in our community are subject to constant violence, threats, and intimidation. At the very core of prostitution is a vicious theory of ownership by its perpetrators, who frequently terrorize their victims not only with threats of personal harm, but also with promises to commit acts of violence against the victim's family and friends. Prostitution, with its virulent blend of domestic violence and sexual assault tactics commonly isolates and immobilizes its victims. To help level the playing field and insure the ability to keep the victims of prostitution and other witnesses to these crimes safe, extraordinary measures may be required. The State of Hawaii's Witness Security and Protection Program is designed to provide the type of assistance needed by witnesses who are the subject of potential or actual threats and

intimidation. Few prospective witnesses fit this category better than those who are needed for the successful investigation and prosecution of crimes related to Promoting Prostitution. The financial beneficiaries of prostitution thrive off of the type of conduct meant to be thwarted by the provisions of the Witness Security and Protection Program. The Program provides witnesses with temporary housing and per diem costs as well as relocation when needed. These witness resources can easily spell the difference between success and failure in pursuing those responsible for the sexual slavery of women children.

The passage of the provisions in H.B. 240 will provide a critical component in our Department's efforts to successfully prosecute prostitution profiteers. Please support this measure and insure that that we have the tools necessary to effectively respond to the insidious effects of prostitution in our communities. Thank you for your time and consideration.

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

LATE TESTIMONY

Monday, April 4, 2011, 9:00 a.m., Room 016

HB241 HD1- RELATING TO PROMOTING PROSTITUTION Comments

HB240 - Amends HRS section 28-101, to give the "greatest priority" to cases involving promoting prostitution, when the attorney general is determining whether to fund or provide for witness security and protection. Support

Aloha Chair Hee and Committee Members,

For several years now various groups have tried to address the problem of sex trafficking in a comprehensive way. This bill with the HD1 amendments leaves the victims of trafficking in the de facto status of "prostitutes" rather than victims.

Further by keeping the promoter or pimp at the lowest level of penalty, there is no incentive for the trafficker "promoter" to cease. The misdemeanor will just be treated by the pimp as a cost of doing business.

The framing of current law – that calls women (and girls) "prostitutes" rather than victims -is similar to the way in which rape victims were treated 20 or 30 years ago. The assumption concerning rape victims used to be that "they asked for it." The assumption under current statute is that the women in the sex trade are there voluntarily.

We do need a comprehensive sex and labor trafficking statute. HB241 HD1 is not it and misses the mark in my opinion.

HB240 that would protect witness against intimidation by traffickers or "pimps" is moving in the right direction – services for victims.

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