

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OFFICE OF COMMUNITY SERVICES
830 PUNCHBOWL STREET, ROOM 420
HONOLULU, HAWAII 96813
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February 16, 2011

To: The Honorable John Mizuno, Chair
House Committee on Human Services

Date: Thursday, February 17
Time: 10:00 a.m.
Place: Conference Room 329, State Capitol

From: Mila Kahaanui, Executive Director
Office of Community Services
Department of Labor and Industrial Relations

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576-Relating to Crime

Good Morning Chair Mizuno, Vice Chair Jordan, and committee members. My name is En Young here with Lola Salimova, State Refugee Coordinator, both of the Office of Community Services (OCS), an agency administratively attached to the Department of Labor and Industrial Relations (DLIR). We appreciate this opportunity to testify in support of this measure.

The Office of Community Services is charged, in part under HRS 371-K-1, to "improve the delivery of services to disadvantaged persons, refugees, and immigrants." Additionally, under HRS 371-K-3, OCS is charged to "Assess the policies and practices of public and private agencies impactation on the disadvantaged and conduct advocacy efforts on behalf of the disadvantaged, refugees, and immigrants."

The measure before you today is one of several pieces of Legislation attempting to define and ameliorate, in different ways, the growing global problem that is human trafficking.

In the array of bills moving through the Legislative process some use different terminology; some decouple the purpose of the trafficking from the deed itself, and some bills establish different standards of proof for the offense.

In deference to the Chair's decision to hear multiple vehicles for this important issue, OCS will confine its testimony to issues as yet uncovered regarding this issue.

First of all, OCS supports any vehicle or mechanism designed to codify human trafficking, be this trafficking for the purposes of slavery, prostitution, kidnapping, extortion, or any other means the offender commits the act.

Although we did stand in support of HB497, Relating to Sexual Offenses, OCS believes HB576 is a much more comprehensive bill that provides realistic standards of proof, adequate mechanisms for law enforcement to charge criminals, and establishes this crime to be on par with other serious and violent offenses. From the standpoint of the victim, it is just to include sexual trafficking with such violent crimes as Assault, Kidnapping, and Sexual Assault when these are the tools traffickers use and crimes they commit in the course of their ruthless exploitation.

We would add OCS supports any effort to give authority or standing to victims of this offense to recuperate monetary or any other appropriate damages from the parties charged with this offense, although OCS does recognize that civil actions may not be appropriate constitutionally under the title of this bill.

OCS would like to reiterate the issue of trafficking is a high priority for both the Office and the new Administration. OCS is willing to engage in discussion with any Legislator or private entity through the Public Hearing process or otherwise to formulate realistic solutions to this challenge either piecemeal or in a comprehensive manner.

We appreciate the opportunity to testify.



EQUALITY NOW

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To: The Honorable Rep. John M. Mizuno, Chair
House Committee on Human Services

Hearing Date: February 17, 2011

Hearing Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

Fax: (808) 586-6331
(Please submit 1 copy including original)

Re: H.B. 576

TESTIMONY IN SUPPORT OF H.B. 576 – Relating to Crime

Dear Committee on Human Services:

I am writing on behalf of Equality Now to support H.B. 576. Equality Now is an international human rights organization working for the protection and promotion of the rights of women and girls worldwide. Issues of concern to Equality Now include trafficking in women and girls, discrimination in law, sexual violence, female genital mutilation and all other forms of violence and discrimination against women and girls. Through our work to end the trafficking of women and girls, Equality Now closely followed the Hawaii state law making promotion of sex tourism a crime. We have also been involved with the passage of anti-trafficking legislation at the federal and state levels.

Human trafficking is one of the most severe human rights abuses and has been often described by leaders throughout the world, and from across the political spectrum within the United States, as a modern day form of slavery. It is estimated that human trafficking is a \$32 billion worldwide criminal enterprise ranking it with drug trafficking and arms trafficking in terms of its profitability. This amount does not take into account the incalculable cost of the lives human trafficking leaves in ruin, the additional criminal activity funded from its proceeds and the lost economic productivity of the victims of this crime.

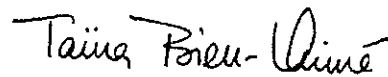
As you may be aware, Hawaii is one of only five states that have not yet adopted anti-trafficking legislation. Existing laws in Hawaii are ineffective in preventing trafficking and protecting trafficking victims. The U.S. federal Victims of Trafficking and Violence Protection Act of 2000 generally proves insufficient as a tool to prosecute sex and labor trafficking cases at the state level, in part due to the federal prosecutors' limited resources and selective targeting of high profile cases involving

multiple victims, or cases that focus solely on minors. Therefore it is critical that states pass adequate laws criminalizing human trafficking, to enable local authorities to identify cases and intervene appropriately. Existing state laws, whether they relate to kidnapping, rape or promoting prostitution, are insufficient as they do not adequately address the complex crime of trafficking for sexual exploitation. In addition, some of these laws, including prostitution laws, can treat trafficking victims as criminals rather than as victims who require support and protection.

H.B. 576 is a well-crafted bill that addresses sex trafficking by providing a definition of sex trafficking that recognizes the actual means by which traffickers entice or induce their victims into the sex industry beyond the limiting "force, fraud and coercion" threshold in the federal law. It also establishes appropriately tough penalties for traffickers and pimps, provides the necessary tools for law enforcement to investigate and successfully prosecute trafficking cases and provides protections for victims of this horrible crime.

Hawaii has been a pioneer in fighting against the exploitation of women and girls by being the first state in the country to pass a law regulating travel service providers that facilitate sex tourism in 2004. The Hawaiian state legislature should take this opportunity to reiterate its commitment to the safety and well-being of women and children in Hawaii and all around the world by passing H.B. 576.

Sincerely,

A handwritten signature in black ink that reads "Taina Bien-Aimé". The signature is written in a cursive, flowing style.

Taina Bien-Aimé
Executive Director

hawaii family forum

Email to: HUStestimony@Capitol.hawaii.gov
Hearing on: February 17, 2011 @ 10:00 a.m.
Conference Room # 329

DATE: February 14, 2011

TO: House Committee on Human Services
Representative John Mizuno, Chair
Representative Jo Jordan, Vice Chair

FROM: Allen Cardines, Jr., Executive Director

RE: Strong Support for HB 576 Relating to Crime

Mahalo for affording me the opportunity to testify on this measure. I am Allen Cardines, representing the Hawaii Family Forum. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations. We strongly support passage of HB 576 but will leave the technical aspects of the bill to the experts.

It is estimated by the U.S. State Department that as many as 17,500 human beings each year are trafficked into the United States to work in the sex trade or as slave labor. Women and children have been forced to work in prostitution and child pornography rings, while men, women, and children have been forced into different types of manual labor, without pay or protection. As an organization that cares about the ohana, we find this both apprehensible and unacceptable.

Victims of human trafficking are commonly linked by poverty and lack of opportunity. Often they seek to escape their impoverished life with the hope of finding opportunity and a brighter future in Hawaii. It is in these types of environments that human traffickers flourish, promising unsuspecting victims an opportunity to travel, at no immediate expense, for employment and housing. When they reach Hawaii, they find coercion, abuse, entrapment, and exploitation in a brothel, a massage parlor, or an agricultural outpost. By the time they are rescued, if ever, they are shattered by physical, mental, and psychological abuse. Many become ill and some have even lost their lives.

Hawaii Family Forum has placed the elimination of trafficking as an important priority in the areas of public advocacy and education both to the wider community and to trafficking victims. Let me add that faith-based organizations are uniquely positioned to identify and provide assistance to victims of human trafficking.

First, faith-based organizations act from a theological and philosophical perspective. Commitment to these principles gives the issue of human trafficking a sense of urgency to many faiths and religious communities.

Second, most faith-based organizations have networks that enhance their capacity to give voice and volume to the cry for justice. They have access to a cross-section of agencies which offer an expertise that expands the possibilities for outreach and service, an asset not to be underestimated.

Finally, faith-based organizations have resources which can assist in the fight against human trafficking. Organizations like Catholic Charities Hawaii, Pacific Alliance to Stop Slavery and others. While we see the effort as a partnership with the government and the faith-based community, please know that those of us in the faith-based community will be performing this work regardless, particularly because of the moral gravity of the issue and the ongoing suffering of its victims.

Please pass this measure. Mahalo!

6301 Pali Highway • Kaneohe, HI 96744-5224 • Ph: 808-203-6704 • Fax: 808-261-7022
E-mail: allen@hawaiifamilyforum.org | Website: www.hawaiifamilyforum.org



HAWAII CATHOLIC CONFERENCE
6301 Pali Highway
Kaneohe, HI 96744-5224

Email to: HUSTestimony@Capitol.hawaii.gov
Hearing on: February 17, 2011 @ 10:00 a.m.
Conference Room # 329

DATE: February 14, 2011

TO: House Committee on Human Services
Representative John Mizuno, Chair
Representative Jo Jordan, Vice Chair

FROM: Walter Yoshimitsu, Executive Director

RE: Strong Support for HB 576 Relating to Crime

I am Walter Yoshimitsu, representing the Hawaii Catholic Conference. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii under the leadership of Bishop Larry Silva. We strongly support this bill that would strengthen the laws in Hawaii regarding human trafficking.

The Catholic Church has placed the elimination of trafficking as an important priority in the areas of public advocacy, public education, and services to trafficking victims. We have begun working to raise awareness within the Catholic community about the problem, including education to help people in the community identify and understand the problem of human trafficking.

Trafficking victims also need, first and foremost, safety and security. According to recent news stories, many are terrified of the traffickers who brought them to Hawaii. Providing them with a secure, safe, and nurturing environment is crucial to ensuring their return to society as contributing members. The Church and its service organizations, particularly Catholic Charities, does all that it can to provide support services to both adult and child victims of trafficking, including health and mental health services, employment assistance, English-language training, counseling, housing and other material assistance needs.

The themes of Catholic social teaching—the protection of human dignity and human rights; the option for the poor; the call to family and community; the rights of workers; solidarity and care for creation—all address evils inherent in human trafficking. These principles of justice are not unique to Catholicism but are manifest in most religions. Commitment to these principles gives the issue of human trafficking a sense of urgency to many faiths and religious communities. For this reason we strongly support passage of this measure.

Please support HB 576. Mahalo for the opportunity to testify.

DATE: 02/16/2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Jessica Wooley
Rep. Faye P. Hanohano
Rep. Ryan I. Yamane
Rep. Chris Lee
Rep. Corinne W.L. Ching
Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Isaiah Moreno, MS, CSAC

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services:

Aloha

The rise in Human Trafficking among international and domestic trafficked persons is increasing as Hawaii is now 1 of 5 states in the nation that has not passed local legislation making Human Trafficking a felony offense while protecting the victims of this crime. Hawaii is also listed as one of the "Dirty Dozen" states with no laws or inadequate laws addressing sex-trafficking. In fact, we are among the "worst of the worst."

Existing laws are ineffective to deter Human Trafficking while protecting victims. Effective deterrents require bringing traffickers, and patrons who solicit services from trafficked persons, to justice. Additionally, current prostitution statutes place both patrons,

traffickers, and prostituted persons into the same criminal category of "profiting from prostitution."

The lack of legal definition in our Hawaii statutes creates a deficit of adequate services and facilities in Hawaii to meet the needs of trafficking victims in terms of health care, housing, education, medical services, and legal assistance-- services 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.

In order to deter Human Trafficking, Hawaii must recognize that Human Trafficking is a serious offense. This can be simply accomplished by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting, rather than punishing, the victims of these offenses.

Hawaii needs law that:

- 1) defines sex-trafficking as a class A felony offense by revising current promoting prostitution statutes (which will clearly define the role of the sex-trafficker and not criminalize victims as "prostitutes"); and labor-trafficking as a class A offense.
- 2) Protects child-victims (under 18). You do not have to prove coercion or force, just the age and that prostitution is going on. It also bumps up the crime against children to a Class A felony. Does not require that child-victims prove force, fraud or coercion to be recognized as victims.
- 3) Amends the current Promoting Prostitution statues to include a Sex-Trafficking definition of advancing prostitution through force, coercion, or fraud; **and** advancing child-prostitution (no requirement to prove force, coercion or fraud).
- 4) Makes being a sex-trafficker a Class A felony as well for adults. (Remember, Sex-Trafficking is NOT willing prostitution on the part of the victim).
- 5) Makes anyone who knowingly and willingly aids and abets a trafficker in victimizing people a Class B felony. (Targets brothel owners, recruiters, those who doctor identification).
- 6) Affords rights and protections to victims of Sex-Trafficking.
- 7) Includes Sex-Trafficking in the definition of Violent Crimes. (This is helpful for getting a high bail set prior to court).
- 8) Includes Sex-Trafficking in the list of crimes applicable to Forfeiture.
- 9) Allows for court order to apply for wire-tapping or interception of electronic communication of Traffickers.

10) Includes Sex-Trafficking in Organized Crime, Sexual Offenses, and Racketeering definitions

Benefits of a state law include:

- 1) Enabling local law enforcement to better identify victims of sex-trafficking, rather than seeing them as "prostitutes" by law, especially youth victims;
- 2) Enabling local law enforcement to create a "High Risk Victims' Identification" program for children at high-risk for Human Trafficking;
- 3) Enabling local law enforcement to create a division specifically focused only on Human Trafficking crimes;
- 4) Enabling adequate statistics to be gathered for perpetrators and victims of sex-trafficking, rather than relying on general prostitution arrests.

The residents of Hawaii, and concerned citizens around the world, are respectfully asking you to effectively combat the growing problem of Human Trafficking by supporting the passage of state legislation that would provide the just, severe, and effective punishment of traffickers and the protection of trafficked persons. We support leaders who support the passage of state legislation to create a Human Trafficking statute.

Please support the passage of HB576 (anti sex-trafficking).

Isaiah Moreno, MS, CSAC
Hina Mauka Recovery Center
808-233-9775
imoreno@hinamauka.org



Supporters

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)

Date Submitted: Tuesday, February 15, 2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Jessica Wooley
Rep. Faye P. Hanohano
Rep. Ryan I. Yamane
Rep. Chris Lee
Rep. Corinne W.L. Ching
Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

Hearing Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Kathryn Xian

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

Dear Committee on Human Services:

Aloha!

The rise in Human Trafficking among international and domestic trafficked persons is increasing as Hawaii is now 1 of 5 states in the nation that has not passed local legislation making Human Trafficking a felony offense while protecting the victims of this crime. Hawaii is also listed as one of the "Dirty Dozen" states with no laws or inadequate laws addressing sex-trafficking. In fact, we are among the "worst of the worst."

Existing laws are ineffective to deter Human Trafficking while protecting victims. Effective deterrents require bringing traffickers, and patrons who solicit services from trafficked persons, to justice. Additionally, current prostitution statutes place both patrons, traffickers, and prostituted persons into the same criminal category of "profiting from prostitution."

The lack of legal definition in our Hawaii statutes creates a deficit of adequate services and facilities in Hawaii to meet the needs of trafficking victims in terms of health care, housing, education, medical services, and legal assistance-- services 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.

In order to deter Human Trafficking, Hawaii must recognize that Human Trafficking is a serious offense. This can be simply accomplished by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting, rather than punishing, the victims of these offenses.

Hawaii needs law that:

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- 2) Protects child-victims (under 18). You do not have to prove coercion or force, just the age and that prostitution is going on. It also bumps up the crime against children to a Class A felony. Does not require that child-victims prove force, fraud or coercion to be recognized as victims.
- 3) Amends the current Promoting Prostitution statutes to include a Sex-Trafficking definition of advancing prostitution through force, coercion, or fraud; **and** advancing child-prostitution (no requirement to prove force, coercion or fraud).
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- 5) Makes anyone who knowingly and willingly aids and abets a trafficker in victimizing people a Class B felony. (Targets brothel owners, recruiters, those who doctor identification).
- 6) Affords rights and protections to victims of Sex-Trafficking.
- 7) Includes Sex-Trafficking in the definition of Violent Crimes. (This is helpful for getting a high bail set prior to court).
- 8) Includes Sex-Trafficking in the list of crimes applicable to Forfeiture.
- 9) Allows for court order to apply for wire-tapping or interception of electronic communication of Traffickers.
- 10) Includes Sex-Trafficking in Organized Crime, Sexual Offenses, and Racketeering definitions

Benefits of a state law include:

- 1) Enabling local law enforcement to better identify victims of sex-trafficking, rather than seeing them as "prostitutes" by law, especially youth victims;



- 2) Enabling local law enforcement to create a "High Risk Victims' Identification" program for children at high-risk for Human Trafficking;
- 3) Enabling local law enforcement to create a division specifically focused only on Human Trafficking crimes;
- 4) Enabling adequate statistics to be gathered for perpetrators and victims of sex-trafficking, rather than relying on general prostitution arrests.

The residents of Hawaii, and concerned citizens around the world, are respectfully asking you to effectively combat the growing problem of Human Trafficking by supporting the passage of state legislation that would provide the just, severe, and effective punishment of traffickers and the protection of trafficked persons. We support leaders who support the passage of state legislation to create a Human Trafficking statute.

Please pass HB576 (anti sex-trafficking).

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn Xian", with a large, sweeping flourish at the end.

Kathryn Xian, Executive Director
Pacific Alliance to Stop Slavery

Sent: Tuesday, February 15, 2011 8:30 PM
To: HUS testimony
Cc: jkforten@hotmail.com
Subject: Testimony for HB576 on 2/17/2011 10:00:00 AM

Categories: need to print

Testimony for HUS 2/17/2011 10:00:00 AM HB576

Conference room: 329
Testifier position: support
Testifier will be present: Yes
Submitted by: Julia Fortenberry
Organization: Pacific Alliance to Stop Slavery
Address:
Phone:
E-mail: jkforten@hotmail.com
Submitted on: 2/15/2011

Comments:

DATE: 16 February 2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair Rep. Jo Jordan, Vice Chair Rep. Della Au Belatti Rep. Jessica Wooley Rep. Faye P. Hanohano Rep. Ryan I. Yamane Rep. Chris Lee Rep. Corinne W.L. Ching Rep. Dee Morikawa Rep. Kymberly Marcos Pine

Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Julia Fortenberry

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services:

I am an advocate and volunteer for the Pacific Alliance to Stop Slavery. I am in strong support of HB576. Last year I had the honor of being an escort to a very brave human trafficking survivor who was almost a victim, the difference between the two being death. Sold to a mainland pimp in exchange for a car, this survivor was trafficked into Hawaii for the 2010 Pro Bowl. This brave woman endured being beaten with a strap in a freezing cold shower, having chunks of her waist length hair torn out, and finally having a gun shoved in her mouth. This is Lori's story; there are many more people in our state with similar stories.

This bill will put Hawaii in line with 45 other states in protecting people like Lori from traffickers; people who feel that they are so far above their fellow humans, that they have a right to buy and sell them. I say not on my watch and I hope this is the year that you say not on your watch either.

Respectfully,

Julia Fortenberry

DATE: February 16, 2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Jessica Wooley
Rep. Faye P. Hanohano
Rep. Ryan I. Yamane
Rep. Chris Lee
Rep. Corinne W.L. Ching
Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Lachhindra Maharjan

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

Dear Committee on Human Services:

Aloha

As a member of National Association of Social Workers, Hawaii Chapter, I am speaking on behalf of social workers for ensuring justice for the victims of sex-trafficking in Hawaii. Last year, I conducted a research by collecting data from the social workers, University professors, field workers, outreach workers and victims of sex-trafficking.

Most of the respondents of my research, including the victims, expressed that the lack of adequate state law related to sex-trafficking has jeopardized the human rights of the sex-trafficking victims, and there is no feasible mechanism for the victims to take legal actions against their traffickers and pimps. The victims, who were interviewed for my research, showed their hatred towards the policy makers who were not concerned to protect the girls and women (who can be their daughters or sisters) living in Hawaii, and they mentioned how they have been victimized by their own boyfriends, traffickers, pimps, police officers and policy makers.

My research also found out that the current promoting prostitution laws unfairly criminalizes the victims of sex-trafficking. According to the current laws, anyone who has been trafficked for sex is considered to be a criminal by accusing her to be a part of a team promoting prostitution.

According to my research, in many situations, these girls and women are lured, manipulated, forced and coerced to become sex workers, and it's nearly impossible to come out from that trap due to lack of legal assistance. I am glad to mention that the victims, I interviewed, could come out from that trap with support of their family and friends, but they never could act against their traffickers. Unfortunately, these traffickers are still continuing these unwholesome acts.

I strongly believe that the policy makers of Hawaii have a big responsibility to punish these traffickers and to ensure justice for the victims of sex trafficking by passing HB 576 as soon as possible.

Please support the passage of HB576 (anti sex-trafficking).

Lachhindra Maharjan

R I C E
CONSULTING

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Kailua, HI 96734
Phone (808) 262-6533

8306 Wilshire Blvd., Suite 70
Beverly Hills, CA 90211
Phone (323) 935-5090

HOUSE COMMITTEE HUMAN SERVICES

Rep. John M. Mizuno, Chair

Rep. Jo Jordan, Vice-Chair

Rep. Della Au Belatti

Rep. Chris Lee

Rep. Faye P. Hanohano

Rep. Dee Morikawa

Rep. Jessica Wooley

Rep. Ryan I. Yamane

Rep. Corinne W.L. Ching

Rep. Kymberly Marcos Pine

Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Tadia Rice

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

February 10, 2011

VIA: HUS testimony@Capitol.hawaii.gov

Dear Committee on Human Services:

As a Hawaii business professional and individual involved in the education of girls and women around the world, I am astounded that Hawaii remains one of five States in America without any law against human trafficking. I find this unconscionable.

According to the Honolulu Police Department, the number of children who are high-risk victims for human trafficking is growing. Since there are no existing laws that not prevent human trafficking, or protect victims, what effective deterrents are in place that can bring traffickers, and patrons who solicit services from trafficked persons, to justice? Current statutes regarding prostitution categorize patrons, traffickers, and prostituted persons into the same criminal grouping of *profiting from prostitution*.

The legal definition of Hawaii statutes create a deficit of adequate services and facilities in Hawaii to meet the health care, housing, education, medical services, and legal assistance for trafficked victims. Services are needed to safely support the recovery of trafficked persons so these vulnerable children, youth, and at-risk men and women can regain control of their lives, and to assist the State in the prosecution of traffickers.

It is time that our State government establishes a law that protects the human rights of its citizens, residents, visitors, and victims from sex and labor trafficking that:

- 1) Defines sex-trafficking as a class A felony offense by revising current promoting prostitution statutes (which will clearly define the role of the sex-trafficker and not criminalize victims as "prostitutes"); and labor-trafficking as a class A offense.
- 2) Protects child-victims (under 18). You do not have to prove coercion or force, just the age and that prostitution is going on. It also bumps up the crime against children to a Class A felony. Does not require that child-victims prove force, fraud or coercion to be recognized as victims.
- 3) Amends the current Promoting Prostitution statutes to include a Sex-Trafficking definition of crimes involving forced or child-prostitution.
- 4) Makes being a sex-trafficker a Class A felony as well for adults. (Remember, Sex-Trafficking is NOT willing prostitution on the part of the victim).
- 5) Makes anyone who knowingly and willingly aids and abets a trafficker in victimizing people a Class B felony (this includes brothel owners, recruiters, those who provide false identification).
- 6) Affords rights and protections to victims of Sex-Trafficking.
- 7) Includes Sex-Trafficking in the definition of Violent Crimes (this would help to get a high bail set prior to court).
- 8) Includes Sex-Trafficking in the list of crimes applicable to Forfeiture.
- 9) Allows for court order to apply for wire-tapping or interception of electronic communication of Traffickers.
- 10) Includes Sex-Trafficking in Organized Crime, Sexual Offenses, and Racketeering definitions

The benefits of a state law that includes the aforementioned would enable:

- 1) Local law enforcement to better identify victims of sex-trafficking, rather than seeing them as *prostitutes* by law, especially youth victims;
- 2) Local law enforcement to create a "High Risk Victims' Identification" program for children at high-risk for Human Trafficking;
- 3) Local law enforcement to create a division specifically focused only on Human Trafficking crimes;
- 4) Adequate statistics to be gathered for perpetrators and victims of sex-trafficking, rather than relying on general prostitution arrests.

I know you are all aware of the devastating impact sex trafficking has on societies. UNICEF estimates that 1.2 million children worldwide are trafficked. The U.S. Department of State statistics are frightening:

- An estimated 600,000 to 820,000 men, women, and children are trafficked across international borders each year
- Approximately 70 percent are women and girls

R I C E
CONSULTING
February 10, 2011
(Continued)

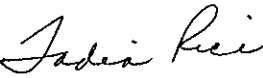
- Up to 50 percent are minors
- 300,000 U.S. children are at risk for Commercial Sexual Exploitation every year

As founder of the Tahirih Association (www.TahirihAssociation.org), a not-for-profit 501(c)3 membership organization (Beverly Hills, CA) that empowers girls and women around the world, we have awarded 22 scholarships to recipients located in six countries in the last ten years. Due to the sex trafficking situation that currently exists in Hawaii, the Tahirih Association recognizes the need to initiate additional programs specifically designated to assist the education of young women escaping sex work on the streets of Honolulu. Therefore, I have extended our *Teach A Girl, Change the World Scholarship Program* to assist any girl or woman rescued from Hawaii's sex enslavement by the PASS public charity.

I am happy to do my part as an ordinary citizen. Please, as our political leaders, abolish human trafficking in Hawaii now. The residents of Hawaii, and concerned citizens around the world, are respectfully asking you to effectively combat the growing problem of Human Trafficking by supporting the passage of state legislation that would provide the just, severe, and effective punishment of traffickers and the protection of trafficked persons. We support leaders who support the passage of state legislation to create a Human Trafficking statute.

Please support the passage of H.B. 576 (anti sex-trafficking).

Mahalo,


Tadia Rice

Sent: Wednesday, February 16, 2011 12:44 AM
To: HUSTestimony
Cc: jadamsesq@aol.com
Subject: Testimony for HB576 on 2/17/2011 10:00:00 AM

Testimony for HUS 2/17/2011 10:00:00 AM HB576

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Jo-Ann M. Adams, Esq.
Organization: Individual
Address:
Phone:
E-mail: jadamsesq@aol.com
Submitted on: 2/16/2011

Comments:

Comments:

Human trafficking is modern-day slavery - the illegal trade in human beings for the purposes of commercial sexual exploitation and/or forced labor.

Only 5 states in the nation have not addressed the horrific problem of human trafficking. Hawaii is 1 of those 5 states. Recently Hawaii has been implicated in a federal investigation of the largest labor-trafficking case in U.S. history - involving more than 400 victims.

We cannot solve a problem we refuse to see. We can only solve a problem once it has been properly defined. By failing to define human trafficking as a separate crime, we erroneously focus on the victims of human trafficking as illegal immigrants and prostitutes rather than the perpetrators as slave traders/owners.

By punishing the victims, we fail to punish the perpetrators - those who recruit and transport people by threat or use of force, abduction, fraud, deception, and/or abuse of power for the purpose of exploitation, such as prostitution, forced labor, the removal of organs.

Concomitantly we fail to rescue those trapped in a lifestyle that typically denies freedom and the basic necessities of health care, housing, education and medical services.

Please pass HB576 so we can take off our blinders and begin to address today's slavery problem here in Hawaii.

Mahalo!



The PACIFIC ALLIANCE
to STOP SLAVERY

Supporters

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)

Families & Survivors

Date Submitted: Tuesday, February 15, 2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Jessica Wooley
Rep. Faye P. Hanohano
Rep. Ryan I. Yamane
Rep. Chris Lee
Rep. Corinne W.L. Ching
Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

Hearing Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Barbara B

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

Dear Committee on Human Services:

I have a very personal story regarding human sex trafficking. At the tender age of 16 my daughter was kidnapped, drugged, beaten, threatened with a firearm and locked in a closet. Eventually gaining control over her, she was placed on Craigslist under exotic services. The five individuals involved in this trafficking were arrested. We first went through the State Prosecutors Office and the case was picked up by US Attorney Michael Song and investigated by ICE agent Frank Kalepa. The case is now over, as of today, the last of the five defendants were convicted and all will serve federal time in prison.

This experience has changed my daughter; having a terrible impact on an otherwise beautiful and bright girl. I got help for her right away and she has seen many experts, however she continues to suffer from Post Traumatic Stress Disorder, bouts of depression and anxiety. She was placed on home/hospital instruction to continue her education, but since is still deteriorating and just dropped out of school. It is possible for her to recover but it may take a very long time and a lot of help.



The PACIFIC ALLIANCE
to STOP SLAVERY

As a parent you cannot imagine how heartbroken I am. Before this happened to her she was a good student, Girl Scout, cheerleader, martial arts enthusiast, cultural dancer, talented in art, and gave her time to community service events. When I think what my daughter endured it is almost more than I can bear... its impact has deeply affected our family and my health.

I keep showing her my love, encouraging & supporting her. She is now only 18 years old.

It is my hope that you will pass HB576 and help those who are truly in need of your help. Hawaii is experiencing a crisis. Right now we respectfully ask you to help. Please understand the far reaching effects this problem has on our children, loved ones, and Hawaii's society as a state.

Thank you for considering my opinions and my deep commitment on this matter.

Please feel free to contact me if you would like more information (Via the Pacific Alliance to Stop Slavery), I promise to work tirelessly on this subject and am deeply committed to its cause.

Sincerely & Respectfully,

Barbara B, Mother of Survivor
Pacific Alliance to Stop Slavery

Sent: Wednesday, February 16, 2011 9:59 AM
To: HUS testimony
Cc: reenyray@hotmail.com
Subject: Testimony for HB576 on 2/17/2011 10:00:00 AM

Testimony for HUS 2/17/2011 10:00:00 AM HB576

Conference room: 329
Testifier position: support
Testifier will be present: Yes
Submitted by: Renae Balentine
Organization: Individual
Address:
Phone:
E-mail: reenyray@hotmail.com
Submitted on: 2/16/2011

Comments:

DATE: February 17, 2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Jessica Wooley
Rep. Faye P. Hanohano
Rep. Ryan I. Yamane
Rep. Chris Lee
Rep. Corinne W.L. Ching
Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Rachel Brandt

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 24 copies including original)

Dear Committee on Human Services:

Aloha

The purpose of this bill is to effectively put into act Human Trafficking and sex-trafficking laws in Hawaii. I am in support of this bill because Hawaii is now 1 of 5 states in the nation that has not passed local legislation making Human Trafficking a felony offense while still protecting the victims of this crime. Hawaii also is one of the states with no laws or inadequate laws addressing sex-trafficking.

An effective Human Trafficking law requires Hawaii to bringing traffickers, and patrons who solicit services from trafficked persons, to justice. In addition, current prostitution statutes place traffickers, and prostituted persons into the same criminal category of "profiting from prostitution."

It is important that Hawaii recognize that Human Trafficking is a serious offense. And that Hawaii prescribe appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting, rather than punishing, the victims of these offenses.

Bill H.B. 576 goal is to:

- 1) Amend the current Promoting Prostitution statutes to include a Sex-Trafficking definition of advancing prostitution through force, coercion, or fraud; and advancing child-prostitution (no requirement to prove force, coercion or fraud).
- 2) Defines sex-trafficking as a class A felony offense by revising current promoting prostitution statutes (which will clearly define the role of the sex-trafficker and not criminalize victims as "prostitutes").
- 3) Protects child-victims (under 18). You do not have to prove coercion or force, just the age and that prostitution is going on. It also bumps up the crime against children to a Class A felony. Does not require that child-victims prove force, fraud or coercion to be recognized as victims.
- 4) Makes being a sex-trafficker a Class A felony as well for adults. (Remember, Sex-Trafficking is NOT willing prostitution on the part of the victim).
- 5) Makes anyone who knowingly and willingly aids and abets a trafficker in victimizing people a Class B felony.
- 6) Affords rights and protections to victims of Sex-Trafficking.
- 7) Includes Sex-Trafficking in the definition of Violent Crimes.
- 8) Includes Sex-Trafficking in the list of crimes applicable to Forfeiture.
- 9) Allows for court order to apply for wire-tapping or interception of electronic communication of Traffickers.
- 10) Includes Sex-Trafficking in Organized Crime, Sexual Offenses, and Racketeering definitions

Benefits of a state law include:

- 1) Enabling local law enforcement to better identify victims of sex-trafficking, rather than seeing them as "prostitutes" by law, especially youth victims;
- 2) Enabling local law enforcement to create a "High Risk Victims' Identification" program for children at high-risk for Human Trafficking;

3) Enabling local law enforcement to create a division specifically focused only on Human Trafficking crimes;

4) Enabling adequate statistics to be gathered for perpetrators and victims of sex-trafficking, rather than relying on general prostitution arrests.

As a resident of Hawaii and a Graduate student of the University of Hawaii Manoa, School of Social Work, I am in support of H.B. 576. I currently work with sexual abused children in Hawaii, and I am concerned for their safety, due to the fact that these children who have been sexual abused are more susceptible to be targeted by trafficker and coercion into sex-trafficking. I also fear for our children of Hawaii, and my own female family members who may be targeted and forced into commercial sex acts or sexually-explicit performance against their own will. I believe Hawaii is in need of a Human Trafficking law that brings traffickers, and patrons who solicit services from trafficked persons, to justice, and protect the victims of human trafficking. As a resident of Hawaii I respectfully ask you to effectively combat the growing problem of Human Trafficking by supporting the passage of state legislation that would provide the just, severe, and effective punishment of traffickers and the protection of trafficked persons. I support leaders who support the passage of state legislation to create a Human Trafficking statute.

Please support the passage of HB576 (anti sex-trafficking).

Rachel Brandt,
Master of Social Work Candidate
University of Hawaii Manoa (2012)

From: Iris AZ Chen [iris.az.chen@gmail.com]
Sent: Wednesday, February 16, 2011 7:14 AM
To: HUSTestimony
Subject: In Support HB576

DATE: 2/16/2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Jessica Wooley
Rep. Faye P. Hanohano
Rep. Ryan I. Yamane
Rep. Chris Lee
Rep. Corinne W.L. Ching
Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Iris Chen

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services,

I have recently just learned about Human Trafficking in Hawaii last year. At first, I was shock to hear such a foreign activity is happening in our friendly "Aloha" State. However, that shock turned into disappointment when I found out that our state is the last remaining five states in the Nation that have not yet installed anti-human trafficking laws, especially sex-trafficking.

Hawaii is one to be known as the most exotic and diverse state in our Nation. Tourism primarily drives our economy because we carry this title. However, our innocent island of paradise image should not be tainted to attract corrupted sex tourism. Even if we are not physically connected to our

nation, it's not justifiable to not apply human rights to protect women and children that fall into prey of sex-trafficking.

We are the people and we entrust our representatives to mediate and alleviate the problems we face in society. Laws are to protect people and to remind everybody of their rights. The double-edge sword we face in desire to defend victims of sex-trafficking is that when we are vague it sounds like any other law, but we don't have a law at all to define a case. In consequences, we rely on similar laws of exploitations to prosecute and that becomes a contradiction to protecting victims. Those laws prosecute victims as prostitute and don't provide special programs to protect them against offenders/sex-traffickers. In addition to the need of providing special protection programs implies the punishment is too light that the offender will repeat the unlawful act.

Therefore, I **strongly support HB576** because we are the leading state of child sex-trafficking. HB576 focuses on defining a class A offense to any promotion of prostitution to victims under 18 (children) who are unwilling to prostitute. There are also, actions to investigate with wire-tapping or interception of electronic communication between traffickers, which are crucial to save and prevent any more cases.

We need the passage of HB576 (anti sex-trafficking), because it recognizes:

- 1) The existence of victims;
- 2) The offense of promoting prostitution to anyone under 18 as a class A felony;
- 3) A case of sex-trafficking with appropriate definitions and actions to investigate;
- 4) A need and focus of law enforcement to specialize this crime.

Please support and pass HB576 (anti sex-trafficking).

Sincerely,

Iris AZ Chen

Concerned citizen

To: Rep. John Mizuno, Chair
Rep. Jo Jordan, Vice-Chair
Committee on Human Services
From: Sharene Chow
RE: Support for H.B.576, Relating to Crime
Hearing Date: Thursday, February 17, 2011
Hearing Place: Conference Room 329 - State Capitol - 415 South Beretania Street
Time: 10:00 a.m.

Dear Chair Mizuno, Vice-Chair Jordan, and Members of the Committee on Human Services,

My name is Sharene Chow, I am a graduate student completing a Master's of Social Work degree at the University of Hawai'i Manoa campus. Thank you for the opportunity to testify in support of H.B.576.

I personally believe that one of the most important elements of H.B.576 is that it changes sex trafficking crimes committed against children from a Class B felony to a Class A felony, a more appropriate punishment for such crimes. In 2010, I graduated with a Bachelor's of Elementary Education degree from the University of Hawai'i in of which I was able to conduct student teaching in a kindergarten classroom. Everyday, I would think about how precious and important the lives of these young children are. It made me think about how much they deserve to be safe and happy. Yet, they have such little control over their young lives as they are still dependent on the choices of their family and others who surround them. This can set them on a path of successes or struggles.

What affected me the most was the thought that the very same child sitting at his/her desk in the classroom could be the same child coerced into a life of prostitution, certainly not of his/her own choosing. This is why I believe it is essential that our state has a law that works to prevent and even eradicate sex-trafficking such that at-risk children have an increased chance of living a happy, healthy life.

I was appalled to learn that the average age of a sex trafficking recruit is age 12^[1] not much older than the students I taught. Also, 65-95% of those who are prostitutes had been sexually abused or assaulted as a child^[2]. It became evident to me that often prostitution is not a choice, but a cycle of victimization. This is why it is important that H.B.576 is passed to reframe the view of those engaged in prostitution as victims of sex trafficking who should be afforded rights, protections, and help to enter back into society, not to be treated as criminals.

I encourage those who argue that it is a choice and a right for people to prostitute to think about the psychological, emotional, and physical abuse these individuals suffer, whether they have chosen this way of life or not-it is almost inevitable. I believe that we cannot stand by and watch as people are suffering when we know that there are ways to help them. I relate this to watching a child drown when one could simply grab them by the hand and lift them out of the water. By voting in support of this bill, we can make clear that our state does not simply dislike sex-trafficking crimes, but deeply detests it and we stand to value and protect the people of our state.

We can demonstrate that we believe in the restoration of lives that have been unjustly and wrongfully broken. I urge you to strongly support the passage of this bill.

Sincerely,
Sharene Chow

References

- [1] Mendoza, J. (2011, Feb 11). Sex trafficking in paradise (Hawai'i New Now). Retrieved from <http://www.hawaiinewsnow.com/Global/story.asp?S=14011020>
- [2] Champe, D. (2008). National scope of child abuse. We are Adult Survivors of Child Abuse and Neglect. Retrieved from <http://www.wearesurvivors.org/?p=614>

From: J C [jc@traffickjamming.org]
Sent: Wednesday, February 16, 2011 9:50 AM
To: HUS testimony
Subject: HB576

DATE: ___ Feb 16, 2011 ___

To: House Committee on Human Services
The Honorable Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Jessica Wooley
Rep. Faye P. Hanohano
Rep. Ryan I. Yamane
Rep. Chris Lee
Rep. Corinne W.L. Ching
Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

Date: Thursday, February 17

Time: 10:00 a.m.

Place: Jenna Clark

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services:

I am survivor of Human Trafficking. I am also an Outreach worker and victims advocate for Pacific Alliance to Stop Slavery. I am on the inside of the underground world of Sex Trafficking in Hawaii. I know first hand that Sex Trafficking exists in Hawaii because I am out there regularly with the girls and I see what others don't. I know that girls are trapped in prostitution and want to leave, but don't feel like anyone will understand. These pimps have such a control over these woman, and we as a community are overlooking victims of Sex Trafficking that we see right in front of our face. There are juveniles out being sold for sex, countless brothels, and there is no law to protect these victims and bring justice to their traffickers. They are someone's daughter, sister, mother, a human, and deserve the rights of freedom. The current laws are weak and Pimps/Traffickers are getting away with exploiting these women and children. These girls are often seen as criminals, instead of victims and are misunderstood. These girls are controlled by fear with nothing to bring them hope for freedom and justice. Hawaii needs to open their eyes and see the problem that is so blatantly staring us in the face. I know better than anyone that Sex Trafficking exists here, and I want to see it stop by tightening the laws and offering support to these survivors. This bill needs to be passed.

Hawaii needs law that:

- 1) defines sex-trafficking as a class A felony offense by revising current promoting prostitution statutes (which will clearly define the role of the sex-trafficker and not criminalize victims as "prostitutes"); and labor-trafficking as a class A offense.
- 2) Protects child-victims (under 18). You do not have to prove coercion or force, just the age and that prostitution is going on. It also bumps up the crime against children to a Class A felony. Does not require that child-victims prove force, fraud or coercion to be recognized as victims.
- 3) Amends the current Promoting Prostitution statutes to include a Sex-Trafficking definition of advancing prostitution through force, coercion, or fraud; **and** advancing child-prostitution (no requirement to prove force, coercion or fraud).
- 4) Makes being a sex-trafficker a Class A felony as well for adults. (Remember, Sex-Trafficking is NOT willing prostitution on the part of the victim).
- 5) Makes anyone who knowingly and willingly aids and abets a trafficker in victimizing people a Class B felony. (Targets brothel owners, recruiters, those who doctor identification).
- 6) Affords rights and protections to victims of Sex-Trafficking.
- 7) Includes Sex-Trafficking in the definition of Violent Crimes. (This is helpful for getting a high bail set prior to court).

8) Includes Sex-Trafficking in the list of crimes applicable to Forfeiture.

9) Allows for court order to apply for wire-tapping or interception of electronic communication of Traffickers.

10) Includes Sex-Trafficking in Organized Crime, Sexual Offenses, and Racketeering definitions

Benefits of a state law include:

1) Enabling local law enforcement to better identify victims of sex-trafficking, rather than seeing them as "prostitutes" by law, especially youth victims;

2) Enabling local law enforcement to create a "High Risk Victims' Identification" program for children at high-risk for Human Trafficking;

3) Enabling local law enforcement to create a division specifically focused only on Human Trafficking crimes;

4) Enabling adequate statistics to be gathered for perpetrators and victims of sex-trafficking, rather than relying on general prostitution arrests.

Please support the passage of HB576 (anti sex-trafficking).

Jenna Clark

TESTIMONY ON HOUSE BILL 576, RELATING TO CRIME

House Committee on Human Services

Hon. John Mizuno, Chair

Hon. Jo Jordan, Vice Chair

Thursday, February 17, 2011, 10:00 AM

State Capitol, Conference Room 329

Honorable Chair Mizuno and committee members:

I am Kris Coffield, editorial director of Fracturedpolitics, an emergent political action network born out of internet activism. Currently, the network boasts over 50 local members, though I offer this testimony only on behalf of myself, in strong support of HB 576.

As you are undoubtedly aware, Hawaii is suffering from a human trafficking epidemic. Last September, a federal indictment charged Global Horizons Manpower, Inc. with trafficking 400 workers from Thailand to work on farms in Hawaii for little or no pay. Labor trafficking is not the only form of slavery plaguing our state's shores, however, as women and girls—some of whom have yet to reach puberty—have been brought to our island home and forced to work as prostitutes under literally torturous conditions, according to the Pacific Alliance to Stop Slavery (P.A.S.S.), Hawaii's leading anti-trafficking nonprofit organization. In just the past eight months, P.A.S.S. has helped nearly two dozen prostitutes cope with the trauma they've endured and find freedom, said, Kathryn Xian, the group's co-founder recently, some of whom were severely beaten, starved, raped, threatened with physical injury and/or death, and, in some cases, all of the above.

In the past, opponents of human trafficking legislation have argued that such bills conflict with the Hawaii Supreme Court's decision in *State v. Modica*, 567 P.2d 420 (Haw. 1977), which affirmed that two differentially-related crimes cannot require duplicated elements of proof. While HB 576 does delineate a statutory scheme in which lesser-grade offenses could overlap with greater-grade offenses, the measure's advancement, kidnapping and coercion provisions relating to first-degree sex trafficking offenses (class A felonies) and second-degree sex trafficking offenses (class B felonies) clearly distinguishes the bill from Hawaii's enacted promoting prostitution, sexual assault, and extortion regulations, as enumerated in §702-1202, §707-730, and §707-764, respectively, with previously codified laws being incorporated into the measure as "means" crimes, buttressing or facilitating the newly created offenses. Moreover, to cite a memorandum prepared by Davis Polk & Wardwell, LLC during last year's debate on the codification of a human trafficking statute, the "Modica rule" endorses prosecutorial discretion with regard to charging individuals under overlapping statutes, and the Hawaii judiciary has continually confirmed the legality of this principle, in, for example, *State v. Lagat*, 40 P.3d,

894, 901 (Haw. 2002), *State v. Rabago*, 686 P.2d 824, 826 (Haw. 1984), and *State v. Kuuku*, 595 P.2d 291, 294 (Haw. 1979). It should be clear, at this point, that any critique of HB 576 based upon *Modica*, should it arise, is misguided and readily dismissed.

Moreover, HB 576, enumerates sex trafficking under §803-44, as an offense subject to applications for court orders to intercept wire, oral, or electronic communications, and §842-1 relating to definitions of “organized crime” and “racketeering activity,” thus bringing Hawaii law into consonance with international and federal law. The profitability of sex trafficking (estimated in excess of \$30 billion globally) has made it a boon for organized crime rings operating locally, domestically, and transnationally, prompting the United Nations to define and defend against sex trafficking through the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, a supplement to the United Nations Convention Against Transnational Organized Crime that came into force in 2003 and to which the United States is a party. Similarly, the federal Trafficking Victims Protection Act delineates a clear link between sex trafficking and organized crime, going so far as to say that any minor involved in commercial sex activities can be considered a trafficked person, regardless of whether or not movement has occurred—language mirrored in HB 576.

In summation, a blow against human trafficking boosts human rights. In the first part of the last decade, when trafficking laws began to gain traction throughout the country, the U.S. Attorneys Office filed 91 cases against alleged traffickers, representing a 405 percent increase from the prior five-year period. Approximately 250 defendants were charged and prosecuted, resulting in 140 convictions, representing respective increases of 210 and 109 percent. Thus, it is self-evident that anti-trafficking laws, when enacted, have an impact. If Hawaii, one of only five states without such a law, is to continue to strive toward economic and social justice, it, too, must protect itself against the perpetrators of sexual terror. Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Editorial Director
Fracturedpolitics

DATE: February 16, 2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Jessica Wooley
Rep. Faye P. Hanohano
Rep. Ryan I. Yamane
Rep. Chris Lee
Rep. Corinne W.L. Ching
Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: YOUR NAME

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services:

Aloha

My name is Aileen Duldulao and I am a social worker and teacher. I am here today to tell you about the importance of having a law specifically against human trafficking.

I have been involved in social work, as a practitioner and educator, for many years. In California, I was involved in working with Asian and Pacific Islander domestic violence and sexual assault victims and worked at the very first emergency shelter developed in the United States aimed at this population. Due to our expertise in both domestic violence and sexual assault among APIs, especially immigrants with very limited skills in speaking English and

navigating the social service and law enforcement systems, our agency was also charged with providing shelter and services to women who had been trafficked in the US into sexual slavery.

I remember one client in particular from Indonesia who had been imprisoned in the house of a wealthy businessman for four years. During the day, the windows in the home had been covered so that she could not see outside or receive sunlight. She had been raped almost every night of those four years. She was able to escape her prison and ended up at our agency. She spoke no English, looked emaciated and much of her hair had fallen out due to stress induced alopecia. Although she was likely no more than 30 years old, she looked at least 20 years older than she her real age. She was in need of healthcare, legal assistance, and housing, and most of all, emotional support. Her case, unfortunately, is not unique.

As you might be familiar, California and many Pacific Rim states and metropolitan areas are huge gateways for human trafficking. It is not uncommon for human trafficking victims in these Pacific Rim areas, especially from Asia, to pass through Hawai'i. The only difference is that all of the geographic areas that border the Pacific Rim, such as Washington and California, have laws specifically barring human and sex trafficking.

While a law in Hawai'i will not in itself put an end to human trafficking in this state, it is an essential start at deterrence. Even in states that have longstanding laws prohibiting trafficking and guiding the prosecution of traffickers, human and sex trafficking is still chronic and endemic. In order to even begin to deter Human Trafficking, Hawaii must recognize that Human Trafficking is a serious offense. This can be simply accomplished by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting, rather than punishing, the victims of these offenses.

Hawaii needs law that:

1) defines sex-trafficking as a class A felony offense by revising current promoting prostitution statutes (which will clearly define the role of the sex-trafficker and not criminalize victims as "prostitutes"); and labor-trafficking as a class A offense.

2) Protects child-victims (under 18). You do not have to prove coercion or force, just the age and that prostitution is going on. It also bumps up the crime against children to a Class A felony. Does not require that child-victims prove force, fraud or coercion to be recognized as victims.

3) Amends the current Promoting Prostitution statues to include a Sex-Trafficking definition of advancing prostitution through force, coercion, or fraud; **and** advancing child-prostitution (no requirement to prove force, coercion or fraud).

4) Makes being a sex-trafficker a Class A felony as well for adults. (Remember, Sex-Trafficking is NOT willing prostitution on the part of the victim).

5) Makes anyone who knowingly and willingly aids and abets a trafficker in victimizing people a Class B felony. (Targets brothel owners, recruiters, those who doctor identification).

6) Affords rights and protections to victims of Sex-Trafficking.

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8) Includes Sex-Trafficking in the list of crimes applicable to Forfeiture.

9) Allows for court order to apply for wire-tapping or interception of electronic communication of Traffickers.

10) Includes Sex-Trafficking in Organized Crime, Sexual Offenses, and Racketeering definitions

Benefits of a state law include:

1) Enabling local law enforcement to better identify victims of sex-trafficking, rather than seeing them as "prostitutes" by law, especially youth victims;

2) Enabling local law enforcement to create a "High Risk Victims' Identification" program for children at high-risk for Human Trafficking;

3) Enabling local law enforcement to create a division specifically focused only on Human Trafficking crimes;

4) Enabling adequate statistics to be gathered for perpetrators and victims of sex-trafficking, rather than relying on general prostitution arrests.

The residents of Hawaii, and concerned citizens around the world, are respectfully asking you to effectively combat the growing problem of Human Trafficking by supporting the passage of state legislation that would provide the just, severe, and effective punishment of traffickers and the protection of trafficked persons. We support leaders who support the passage of state legislation to create a Human Trafficking statute.

Please support the passage of HB576 (anti sex-trafficking).

Aileen Duldulao, MSW, PhD

DATE: February 15, 2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Jessica Wooley
Rep. Faye P. Hanohano
Rep. Ryan I. Yamane
Rep. Chris Lee
Rep. Corinne W.L. Ching
Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Ian Forester

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services:

Aloha

The rise in Human Trafficking among international and domestic trafficked persons is increasing as Hawaii is now 1 of 5 states in the nation that has not passed local legislation making Human Trafficking a felony offense while protecting the victims of this crime. Hawaii is also listed as one of the "Dirty Dozen" states with no laws or inadequate laws addressing sex-trafficking. In fact, we are among the "worst of the worst."

Existing laws are ineffective to deter Human Trafficking while protecting victims. Effective deterrents require bringing traffickers, and patrons who solicit services from trafficked persons, to justice. Additionally, current prostitution statutes place both patrons,

traffickers, and prostituted persons into the same criminal category of "profiting from prostitution."

The lack of legal definition in our Hawaii statutes creates a deficit of adequate services and facilities in Hawaii to meet the needs of trafficking victims in terms of health care, housing, education, medical services, and legal assistance-- services 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.

In order to deter Human Trafficking, Hawaii must recognize that Human Trafficking is a serious offense. This can be simply accomplished by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting, rather than punishing, the victims of these offenses.

Hawaii needs law that:

- 1) defines sex-trafficking as a class A felony offense by revising current promoting prostitution statutes (which will clearly define the role of the sex-trafficker and not criminalize victims as "prostitutes"); and labor-trafficking as a class A offense.
- 2) Protects child-victims (under 18). You do not have to prove coercion or force, just the age and that prostitution is going on. It also bumps up the crime against children to a Class A felony. Does not require that child-victims prove force, fraud or coercion to be recognized as victims.
- 3) Amends the current Promoting Prostitution statues to include a Sex-Trafficking definition of crimes involving forced or child-prostitution.
- 4) Makes being a sex-trafficker a Class A felony as well for adults. (Remember, Sex-Trafficking is NOT willing prostitution on the part of the victim).
- 5) Makes anyone who knowingly and willingly aids and abets a trafficker in victimizing people a Class B felony. (Targets brothel owners, recruiters, those who doctor identification).
- 6) Affords rights and protections to victims of Sex-Trafficking.
- 7) Includes Sex-Trafficking in the definition of Violent Crimes. (This is helpful for getting a high bail set prior to court).
- 8) Includes Sex-Trafficking in the list of crimes applicable to Forfeiture.
- 9) Allows for court order to apply for wire-tapping or interception of electronic communication of Traffickers.
- 10) Includes Sex-Trafficking in Organized Crime, Sexual Offenses, and Racketeering

definitions

Benefits of a state law include:

- 1) Enabling local law enforcement to better identify victims of sex-trafficking, rather than seeing them as "prostitutes" by law, especially youth victims;
- 2) Enabling local law enforcement to create a "High Risk Victims' Identification" program for children at high-risk for Human Trafficking;
- 3) Enabling local law enforcement to create a division specifically focused only on Human Trafficking crimes;
- 4) Enabling adequate statistics to be gathered for perpetrators and victims of sex-trafficking, rather than relying on general prostitution arrests.

The residents of Hawaii, and concerned citizens around the world, are respectfully asking you to effectively combat the growing problem of Human Trafficking by supporting the passage of state legislation that would provide the just, severe, and effective punishment of traffickers and the protection of trafficked persons. We support leaders who support the passage of state legislation to create a Human Trafficking statute.

Please support the passage of HB576 (anti sex-trafficking).

Ian Forester

DATE: February 16, 2011

TO: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
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Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Krissy Garcia

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services:

Aloha

Being that Human Trafficking is modern day slavery it is a shame that Hawaii is 1 of the 5 states in the nation that has not passed a local legislation making Human Trafficking a felony offense while protecting the victims affected by this horrible crime. It is even more atrocious that not only is Hawaii listed as one of the "Dirty Dozen" states with no laws or inadequate laws addressing sex-trafficking, but we are among the "worst of the worst."

Hawaii's existing laws are ineffective at deterring Human Trafficking while protecting victims. To remedy this it requires the actions of bringing traffickers, and patrons who solicit services from trafficked persons, to justice. Additionally, current prostitution statutes place patrons, traffickers, and prostituted persons into the same criminal category of "profiting from prostitution." There is also a deficit in adequate services and facilities in

Hawaii to meet the needs of trafficking victims because Hawaii statutes have a lack of legal definitions.

In order to deter Human Trafficking, Hawaii must recognize that Human Trafficking is a serious offense. This can be simply accomplished by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting, rather than punishing, the victims of these offenses.

Hawaii needs law that:

- 1) defines sex-trafficking as a class A felony offense by revising current promoting prostitution statutes (which will clearly define the role of the sex-trafficker and not criminalize victims as "prostitutes"); and labor-trafficking as a class A offense.
- 2) Protects child-victims (under 18). You do not have to prove coercion or force, just the age and that prostitution is going on. It also bumps up the crime against children to a Class A felony. Does not require that child-victims prove force, fraud or coercion to be recognized as victims.
- 3) Amends the current Promoting Prostitution statutes to include a Sex-Trafficking definition of advancing prostitution through force, coercion, or fraud; **and** advancing child-prostitution (no requirement to prove force, coercion or fraud).
- 4) Makes being a sex-trafficker a Class A felony as well for adults. (Remember, Sex-Trafficking is NOT willing prostitution on the part of the victim).
- 5) Makes anyone who knowingly and willingly aids and abets a trafficker in victimizing people a Class B felony. (Targets brothel owners, recruiters, those who doctor identification).
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Benefits of a state law include:

- 1) Enabling local law enforcement to better identify victims of sex-trafficking, rather than

seeing them as "prostitutes" by law, especially youth victims;

2) Enabling local law enforcement to create a "High Risk Victims' Identification" program for children at high-risk for Human Trafficking;

3) Enabling local law enforcement to create a division specifically focused only on Human Trafficking crimes;

4) Enabling adequate statistics to be gathered for perpetrators and victims of sex-trafficking, rather than relying on general prostitution arrests.

The residents of Hawaii, and concerned citizens around the world, are respectfully asking you to effectively combat the growing problem of Human Trafficking by supporting the passage of state legislation that would provide the just, severe, and effective punishment of traffickers and the protection of trafficked persons. We support leaders who support the passage of state legislation to create a Human Trafficking statute.

Please support the passage of HB576 (anti sex-trafficking).

Krissy Garcia

DATE: 2/16/2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
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Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Veronica Garcia

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services:

Aloha,

I am a Hawaii resident and former employee of the Department of the Attorney General. I have been fortunate to coordinate several trainings conducted by the National Center for Missing and Exploited Children and the Office of Juvenile Justice and Delinquency Prevention, which has allowed me to talk at length with law enforcement, prosecutors, and investigators who are national and international speakers. Although the opponents and supporters of this bill can agree that human trafficking is a heinous crime, it is critical that the State define what is sex trafficking, who the victims and perpetrators are, and allot the appropriate rights and protections and punishment to them.

In my opinion, a bill that protects child-victims (under 18) is absolutely necessary. You do not have to prove coercion or force, just the age and that prostitution is occurring. It is also necessary

to bump up the crime against children to a Class A felony. This bill has elements that DOES NOT require the proof of force, fraud or coercion for children in order to be recognized as victims. The federal human trafficking law recognizes this, and so should Hawaii state law. We cannot keep criminalizing our children yet continue to hold trainings that consistently assert them as victims.

In Francis T. Miko & Grace Park, *Trafficking in Women and Children: The U.S. and International Response*, it is stated that the “average age at which girls first become victims of prostitution is twelve to fourteen.” It also states that when victims are trafficked within the US, “most victims end up in large cities, vacation and tourist areas, or near military bases, where demand is the highest.” It continues with victims being most often taken to the “larger cities of New York, Florida, North Carolina, California, and Hawaii.”

This information does not surprise me after meeting with a FBI social worker who conducted a training in Honolulu in June 2010, who, in a meeting with two lawmakers, stated that Hawaii is one of the top 4 states in the nation with the worst child trafficking problem.

Again, looking at research, a National Institute of Justice report in 1994 cited that victims of child sexual abuse were **twenty-eight times** more likely to be arrested for prostitution than children who had never been sexually abused. Let’s not continue arresting Hawaii’s youth with traumatic pasts and realize how overburdened our child welfare services are, and demonstrate justice with the passage of this bill.

Below are the highlights of the bill which are essential in establishing a strong state law. The only element I do not agree with in this bill is the permission for “a court order to apply for wire-tapping or interception of electronic communication of Traffickers.” I know this is very difficult and is the only section which does not have to remain in the bill. The following is vital:

Hawaii needs a law that:

- 1) defines sex-trafficking as a class A felony offense by revising current promoting prostitution statutes (which will clearly define the role of the sex-trafficker and not criminalize victims as "prostitutes"); and labor-trafficking as a class A offense.
- 2) Protects child-victims (under 18). You do not have to prove coercion or force, just the age and that prostitution is going on. It also bumps up the crime against children to a Class A felony. Does not require for children the proof of force, fraud or coercion to be recognized as victims.
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Class B felony. (Targets brothel owners, recruiters, those who doctor identification).

- 6) Affords rights and protections to victims of Sex-Trafficking.
- 7) Includes Sex-Trafficking in the definition of Violent Crimes. (This is helpful for getting a high bail set prior to court).
- 8) Includes Sex-Trafficking in the list of crimes applicable to Forfeiture.
- 9) Includes Sex-Trafficking in Organized Crime, Sexual Offenses, and Racketeering definitions

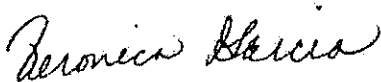
Benefits of a state law include:

- 1) Enabling local law enforcement to better identify victims of sex-trafficking, rather than seeing them as "prostitutes" by law, especially youth victims;
- 2) Enabling local law enforcement to create a "High Risk Victims' Identification" program for children at high-risk for Human Trafficking;
- 3) Enabling local law enforcement to create a division specifically focused only on Human Trafficking crimes;
- 4) Enabling adequate statistics to be gathered for perpetrators and victims of sex-trafficking, rather than relying on general prostitution arrests.

The residents of Hawaii, and concerned citizens around the world, are respectfully asking you to effectively combat the growing problem of Human Trafficking by supporting the passage of state legislation that would provide the just, severe, and effective punishment of traffickers and the protection of trafficked persons. We support leaders who support the passage of state legislation to create a Human Trafficking statute.

Please support the passage of HB576 (anti sex-trafficking).

Very sincerely,



Veronica Garcia

ON THE FOLLOWING MEASURE: H.B. NO. 576
RELATING TO SEX TRAFFICKING
BEFORE THE: HOUSE COMMITTEE ON HUMAN SERVICES

DATE: Thursday, February 17, 2011
TIME: 10:00 a.m.
LOCATION: State Capitol, Room 329
TESTIFIER: Cecilia Gregory (MSW student, UH Manoa)

Chair John M. Mizuno and Members of the Committee:

The purpose of this bill is to establish a sex trafficking law within the Hawaii Revised Statutes, Chapter 712.

I am here to voice my support for HB576.

Although Hawaii is ahead of many states on its domestic violence laws, Hawaii is only one of five states that currently do not have human trafficking laws in place. Human trafficking exploits the most vulnerable people and populations, mainly women and children from disadvantaged backgrounds and lack sufficient financial opportunities.

Hawaii is a melting pot of cultures, and people from all over the world come here to visit the beauty of the islands. Without a strong measure of deterrent for human trafficking practices, how long before the islands are known like Bangkok, Thailand, to be a place to find child prostitutes?

We need to preserve the beauty of the islands, and save these women and children victims who get caught up in this vicious cycle by not criminalizing them, but instead by giving stiffer penalties to the pimps and brothel owners who are using them. I am in favor of establishing these class A and B felony sex trafficking offenses so that these men can be held responsible for their crimes.

Please consider favorably the passing of this bill.

Thank you for this opportunity to testify.

Cecilia Gregory



The PACIFIC ALLIANCE
to STOP SLAVERY

Supporters

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)

Families & Survivors

Date Submitted: Tuesday, February 15, 2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
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Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

Hearing Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: M H

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

Dear Committee on Human Services:

I am writing on behalf of a topic that has overtaken my life for the past year. I am a high school teacher who deals with special needs students who often end up in bad situations on the streets. For years I was able to keep everything black and white. Student did wrong, got consequences and we got her back on track in her education and set up counseling services.

A year ago my entire life changed upside down. My daughter, who got passing grades in school, participated in hula for over 10 years and was on the varsity cheerleading squad suddenly changed behaviors. A new boyfriend gave me a bad gut feeling when she started not coming home at night, sleeping all day and stopped talking to me. She started spending all her time in Waikiki. When she went on a class trip over spring break her phone was ringing off the hook. A voicemail lead me to "Backpage" and there was my daughter "for escort" services on the internet. I changed the phone number immediately. I really didn't know what she had gotten into. She came back from her trip and denied any wrong doing. Another runaway and this time I called the police. A few days later she was arrested for prostitution. The boyfriend was her pimp and brain washing had been going on with my daughter. The arresting office told me that there was a battle for good and evil going on in my child and who won



The PACIFIC ALLIANCE
to STOP SLAVERY

depended on how hard I battled for her. The battle to me lasted an eternity. There were days I felt like I was going insane and that I had lost my daughter. My daughter nearly did not graduate from high school. With my students everything was so cut and dry/ black and white. With this going on in my family I saw the emotional side and how prostitution ripped at my family's beliefs and consumed all my thoughts. The shame then ensued when people found out what had gone on. I'm a good, attentive parent who was always there to support my children. Why me?

It has been almost a year. My daughter was hit and choked by her pimp multiple times for not doing what he wanted her to do...even while pregnant. He took all her money. She failed an entire semester of college and lost her grant money. The pimp showed up at her "square" job and was harassing her. She is now pregnant with her pimp's baby. She has decided to keep the baby which will affect her for the rest of her life.

My daughter was forced to grow up a lot in the past year. I hate going to Waikiki. It bothers hearing when students talking about going clubbing. I want to tell them to stay away from the clubs because that's where pimps look for young girls to bring into "the game."

We have good days and bad days now. Today wasn't so good. The pimp has said he is changing his life because he wants to be a part of baby's life. I just can't trust him. He exploited my daughter for money so he could get nice clothes, shoes, tattoos and sit around and do drugs or play video games all day. How can you have such disregard for another human being and sell her off?

My daughter couldn't go to college without having him show up and threaten her, and was always looking over her shoulder because you can't get away from the "game" that easy. If you talk they threaten to hurt your family. Stories are told about girls who "snitch" and end up dead. My daughter fears for her life if she tells anyone. She declined to write testimony as she fears for her child and her own life. I'm not afraid. I feel that we're one of the lucky ones who caught it early and stopped it before it got far out of hand. Other girls are not as lucky. Most girls have little parental input or support and just get lost in the system and are in prostitution for a long time and start at a young age.

I humbly ask for the state of Hawai'i to put something on the law books to show that we care about all our citizens...children and women. Without any law about trafficking the pimps, madams, or mamas continue to exploit people for money. Make our children a priority. I found out the hard way that human trafficking is rampant in Hawai'i. We want to discourage people from moving here or locals getting involved. When there are no laws, it just shows the bad guys that they can do what they want. Please help so other parents don't have to go the emotional pain I have endured.

I ask that you all support HB576.

Sincerely,

MH, Mother of Survivor
Pacific Alliance to Stop Slavery

February 15, 2011

The Honorable Representative John Mizuno
Human Services Committee
415 S Beretania St # 317, Honolulu, HI 96813
Re: Support for HB 576

Representative John Mizuno and Members of the Committee:

My name is Chelsea Haina and this testimony is pertinent to my support of HB 576. The bill is representative of several major elements; I would like to emphasize the bill's gravity in the context of the rights and protection of sex-trafficking victims.

To thoroughly comprehend the importance of the bill, the issue of sex trafficking must be dissected to reveal its key aspects. Due to complexities in obtaining true numbers, a global estimate representing the amount of sex trafficking victims (both adults and children) has been equivocal. However, it is safe to assume that the numbers are vast and the issue is ubiquitous considering that approximately 2.5 million people are forced into labor as a result of human trafficking. Nationally, approximately 300,000 *children*, or nearly one-quarter of the population of the State of Hawaii, are victims of sex trafficking.

Although there are no limits concerning who may become a victim, common targets of sex trafficking are adolescents, especially those who are in vulnerable situations e.g. a youth who has run away from home. Although women and girls are the primary victims, it cannot be disregarded that men, boys, and transgenders are victims as well. The average age for youth to enter sex work as a result of trafficking is 13 for girls and 12 for boys and transgender youth. It is not rare however, for adolescents as young as 5 years of age to be forced into prostitution.

According to *The Lancet*, trafficking needs to be recognized as a health issue. Although little research exists regarding the correlation between trafficking and health, data reveal that problems manifesting in victims of sexual exploitation range from mental health (depression, anxiety, post-traumatic stress disorder) to sexual health (sexually transmitted diseases) to physical health (violence, assault).

HB 576 specifically protects child victims of prostitution by making the crime a Class A Felony. Proof of coercion and force will not be required; proof of age and prostitution are the only requirements.

Additionally, the bill amends the current Promoting Prostitution Statutes to explicitly define sex trafficking as a crime involving forced or child-prostitution. HB 576 will enable easier and more austere criminalization of traffickers while providing rights and protections for victims.

The importance of HB 576 is illustrated through the tangible and intangible effects felt by the victims of sex trafficking. Combatting such a complex and vast issue requires persistent vehemence from members of the community at all levels. Having the right to a voice, we are

privileged as well as obligated to speak up for the issues that are profoundly important, and for the individuals who cannot.

Thank you for this opportunity to testify in support of HB 576.

Aloha,

Chelsea Haina

DATE: February 15th, 2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
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Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Danielle Hodges

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services:

I am mother, mentor, and Hawaii resident. All of these roles have been directly affected by the absence of proper acknowledgement and resolution to the local issue of sex trafficking.

I have been a long time supporter and volunteer for International Justice Mission, an NGO working in foreign countries to bring an end to human trafficking overseas. It doesn't take great convincing that underage orphans found in Cambodian brothels are victims of human traffickers. However, it was a bit more challenging for me to view the young girls and women walking the streets in Honolulu as victims.

Working directly with local NGOs has made the plight of these American females so much clearer to me.

It has been two specific girls that have helped me to understand what human sex trafficking looks like here in Hawaii.

When I met the first girl she was an underage local girl who had been kidnapped and held in a Waikiki apartment by a man who repeatedly raped and abused her. She was forced to work as a prostitute in town for this man. She explained to me that after each "date" or sexual encounter with a "John" or customer, this man, her pimp would fully frisk her to ensure that she hadn't kept any of the money the customer had given her. She had never kept a dime of the money that she had made. She explained that no pimp allows his girls to keep their earnings. This was a shock to me and probably most people who assume that American prostitutes, do what they do for the money.

Following the brutal attack by the man who had made himself her pimp, she was able to get an S.O.S type message to a family member who contacted police. HPD raided the apartment and rescued her. This is the part in the story where I met this lovely young girl. After HPD rescued her, the local aftercare team I volunteer for, was contacted by law enforcement. Team members were present while she underwent the rape kit at the ER, they were there to comfort and pray with her mother. Her mother was deeply concerned for her daughter's safety and believed that her daughter would not be safe at home. The men who pride themselves as "pimps" often have a consort of other street thugs and criminals. There is no current protection for these victims of "Human Trafficking" and so this young girl went to stay with a local family that opened their home to her, with her mother's consent. I have been mentoring this beautiful, intelligent young woman.

My fellow Hawaii residents are shocked when they learn that the State offers no type of witness protection for these victims, not even those who are children.

One HPD officer expressed his concern to me about these young victims; he said that girls in these situations are often seen as "prostitutes equal to criminals, not victims." I asked my mentee if she believed that people should be helping to rescue girls/women from prostitution, she told me, all prostitutes need to be rescued and that none of them wants to do that job. They are stuck in a web of physical, emotional, and mental torture created by the pimp.

Then there is the beautiful, 14 year old, honor student I also mentor. She has very strict parents, and a wonderful home in a good neighborhood. One Friday after school she rode the bus into town with a friend. At some point the friend left and she was alone at the bus stop outside Ala Moana Shopping Center. She explained that she was approached by a good looking guy who appeared to be in his early 20's. He was charming and full of compliments for her. He made it seem that they had so much in common. She hung out with him and his friend for awhile. They took her for a ride in their car, they were smoking marijuana and gave her some, they took her to an apartment and made her an alcoholic drink. She became intoxicated and disoriented but remembers them driving her around in their car that evening and then dropping her off on a street downtown. They told her to wait on the corner and they'd be back for her. She waited and another guy pulled up and told her to go with him. She was raped and given money by that man and then dropped off on the street again. In her intoxicated confusion she began walking and found an HPD officer. She was processed as a runaway and her parents picked her up at the

Waikiki police substation. They brought her to the hospital and had a drug test and rape kit done. When the results returned to show assault and drugs, they contacted HPD with the entire story as their daughter could recall it. An officer told her parents, incorrectly, that there was nothing that could be done because the age of consent for sex was 14 years old, in the State of Hawaii. They were persistent and finally found a detective in the Sex Crimes department who was willing to listen to their daughter's case.

As a mother with young daughters, I am deeply bothered that we as a State do not have better laws in place to bring justice to our keiki being victimized by predators. These predators are preying upon girls and women and treating them as a commodity.

Prostitution is understood to involve the providing of services, however prostitutes human trafficking victims, are really treated as products at the disposal of the trafficker/pimp.

Hawaii needs a law that:

- 1) defines sex-trafficking as a class A felony offense by revising current promoting prostitution statutes (which will clearly define the role of the sex-trafficker and not criminalize victims as "prostitutes"); and labor-trafficking as a class A offense.
- 2) Protects child-victims (under 18). You do not have to prove coercion or force, just the age and that prostitution is going on. It also bumps up the crime against children to a Class A felony. Does not require that child-victims prove force, fraud or coercion to be recognized as victims.
- 3) Amends the current Promoting Prostitution statutes to include a Sex-Trafficking definition of advancing prostitution through force, coercion, or fraud; **and** advancing child-prostitution (no requirement to prove force, coercion or fraud).
- 4) Makes being a sex-trafficker a Class A felony as well for adults. (Remember, Sex-Trafficking is NOT willing prostitution on the part of the victim).
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Benefits of a state law include:

- 1) Enabling local law enforcement to better identify victims of sex-trafficking, rather than seeing them as "prostitutes" by law, especially youth victims;
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- 3) Enabling local law enforcement to create a division specifically focused only on Human Trafficking crimes;
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The residents of Hawaii, and concerned citizens around the world, are respectfully asking you to effectively combat the growing problem of Human Trafficking by supporting the passage of state legislation that would provide the just, severe, and effective punishment of traffickers and the protection of trafficked persons. We support leaders who support the passage of state legislation to create a Human Trafficking statute.

Please support the passage of HB576 (anti sex-trafficking).

Mahalo, Danielle Hodges

From: Hodges [hodges4joy@hawaii.rr.com]
Sent: Wednesday, February 16, 2011 9:46 AM
To: HUSTestimony
Subject: testimony HB576

DATE: _February 15th, 2011__

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Jessica Wooley
Rep. Faye P. Hanohano
Rep. Ryan I. Yamane
Rep. Chris Lee
Rep. Corinne W.L. Ching
Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Thorson Hodges

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services:

My wife is a victim advocate here in Hawaii, she volunteers with local NGOs. She has worked first hand with victims of sex trafficking on Oahu. My family has had the pleasure of getting to know some of the youngest of victims, local underage girls who have been exploited, and traumatized for the financial gain of a man (pimp or sex trafficker). It wasn't easy for me to understand at first that the "prostitutes" I see walking the streets in Honolulu were victims, but over time I have learned the unfortunate circumstances that befall these seemingly willing girls/women. below is a portion of a report from Prostitution Research and Education's Dr. Melissa Farley.

Some pimps also sexually abuse women through the use or production of pornography. Thirty percent of the women interviewed by Giobbe reported that their pimps compelled them to emulate scenes from pornography to teach them how to be prostitutes.⁽²³⁾ Some pimps force women into pornography as a form of blackmail or punishment. A woman relayed the following account:

"I always knew there was a punishment coming for taking off...but he told me he wasn't going to hurt me so I believed him. [Then] he took off this belt and he starts whipping me...and he grabbed the dog and the dog knew just what to do...He took pictures of it, and he told me that if I ever left him again, that these would be mailed to my family."⁽²⁴⁾

It is a horrible example of one of the ways pimps keep these girls working for him. This is nothing short of human slavery. If the stories told of the girls and woman here in Hawaii were being told from a village in South East Asia, no one would argue against the fact that the women and girls are victims not criminals. We need to be protecting our children and women here in Hawaii, giving them the justice that women in the third world are already getting.

Hawaii needs a law that:

- 1) defines sex-trafficking as a class A felony offense by revising current promoting prostitution statutes (which will clearly define the role of the sex-trafficker and not criminalize victims as "prostitutes"); and labor-trafficking as a class A offense.
- 2) Protects child-victims (under 18). You do not have to prove coercion or force, just the age and that prostitution is going on. It also bumps up the crime against children to a Class A felony. Does not require that child-victims prove force, fraud or coercion to be recognized as victims.
- 3) Amends the current Promoting Prostitution statutes to include a Sex-Trafficking definition of advancing prostitution through force, coercion, or fraud; **and** advancing child-prostitution (no requirement to prove force, coercion or fraud).
- 4) Makes being a sex-trafficker a Class A felony as well for adults. (Remember, Sex-Trafficking is NOT willing prostitution on the part of the victim).
- 5) Makes anyone who knowingly and willingly aids and abets a trafficker in victimizing people a Class B felony. (Targets brothel owners, recruiters, those who doctor identification).
- 6) Affords rights and protections to victims of Sex-Trafficking.
- 7) Includes Sex-Trafficking in the definition of Violent Crimes. (This is helpful for getting a high bail set prior to court).
- 8) Includes Sex-Trafficking in the list of crimes applicable to Forfeiture.
- 9) Allows for court order to apply for wire-tapping or interception of electronic communication of Traffickers.
- 10) Includes Sex-Trafficking in Organized Crime, Sexual Offenses, and Racketeering definitions

Benefits of a state law include:

- 1) Enabling local law enforcement to better identify victims of sex-trafficking, rather than seeing them as "prostitutes" by law, especially youth victims;
- 2) Enabling local law enforcement to create a "High Risk Victims' Identification" program for children at high-risk for Human Trafficking;
- 3) Enabling local law enforcement to create a division specifically focused only on Human Trafficking crimes;
- 4) Enabling adequate statistics to be gathered for perpetrators and victims of sex-trafficking, rather than relying on general prostitution arrests.

The residents of Hawaii, and concerned citizens around the world, are respectfully asking you to effectively combat the growing problem of Human Trafficking by supporting the passage of state legislation that would provide the just, severe, and effective punishment of traffickers and the protection of trafficked persons. We support leaders who support the passage of state legislation to create a Human Trafficking statute.

Please support the passage of HB576 (anti sex-trafficking).

Thank you, Thorson Hodges

Jeannie Hughes
House of Representatives Committee for Human Services
Thursday, Feb. 17, 2010 at 10am
Testimony in favor of HB 576
10 copies

With annual profits estimated between \$7-\$10 billion, human trafficking has an attractive cost/risk benefit ratio. (Cwikel & Hoban, 2005). In 2002, the United Nations reported trafficking in persons to be one of organized crime's fastest growing businesses. In fact, the UN Office on Drugs and Crime considers the United States to be one of the top trafficking destinations in the world (2006) revealing human trafficking to be a relevant and current issue.

The United Nations (2006) defines human trafficking or trafficking in persons as:

"The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the 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 includes, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

In laws both nationally and internationally (including the 2008 TVPA), it is noted that any person under age 18 who performs fits this definition is considered a victim of human trafficking, regardless of whether force, fraud, or coercion were present.

It is not possible to get exact statistics on human trafficking, due to its hidden and illegal nature, (Hossain, Zimmerman, Abas, Light & Watts, 2010) but it is estimated that millions of individuals around the world fit the above definition of trafficked persons, half of them under the age of 18 (U.S. Department of State, 2006). It is believed that 18,000-20,000 of these victims are trafficked into the United States, not taking into account those trafficked internally (U. S. Department of State, 2003).

Victims of human trafficking often manifest serious psychological symptoms as a result of the abuse, torture and poor living environment they experience (Hossain et al., 2010). Unpredictability of events and uncontrollability of events, as are characteristic of trafficking situations, are considered to be two of the most predictive factors in formation of post-traumatic stress responses (United Nations, 2009). A study completed by Hossain, et al. (2010) found that 77% of post trafficking victims studied met the diagnostic criteria for PTSD (post-traumatic stress disorder.) Additional studies have put victims of human trafficking into a larger category of victims of chronic trauma. Though not yet listed in the DSM, many refer to complex post-traumatic stress disorder as a more accurate diagnosis. This new diagnosis emphasizes a psychological reorganization that takes places in a person's instincts and biological responses due to prolonged expose to trauma (Courtois, 2004; United Nations, 2009).

It is clear that, once removed from a trafficking situation, many individuals need help to recover and return to a healthy, productive life. Lack of social support, social stigmas, and new life stressors have been shown to interfere with recovery and increase symptom severity (Hossain, 2010; Kotria, 2010).

Crocker, Major & Steele (1998) define stigmas as things that characterize or mark a person. Stigmas are often negative and lead to prejudice against the individual perceived to possess that characteristic. If observers believe that the stigmatized individual had control over the stigmatizing characteristics, they are more likely to react with anger and rejection than if they believed circumstances were beyond the individual's control (Bergman & Chalkley, 2007). If this is true, the possibility does exist that social stigma could interfere with the recovery of a trafficked person.

In previous years, there has been testimony that human trafficking cases can be tried under current laws. I challenge you to look at the stigma that accompanies the term "prostitute" and consider the many ways that can influence the way a victim is treated and the record that will follow them. Creating and enforcing trafficking laws is difficult. It takes time, effort, and money. But it is right.

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U.S. Department of State. (2006). Trafficking in persons report. Retrieved from <http://www.state.gov/documents/organization/66086.pdf>

DATE: February 16, 2011

To: House Committee on Human Services

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Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Kristi Ishikawa

University of Hawaii at Manoa

MSW School of Social Work Student

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services:

Aloha

The rise in Human Trafficking among international and domestic trafficked persons is increasing as Hawaii is now 1 of 5 states in the nation that has not passed local legislation making Human Trafficking a felony offense while protecting the victims of this crime. Hawaii is also listed as one of the "Dirty Dozen" states with no laws or inadequate laws addressing sex-trafficking. In fact, we are among the "worst of the worst."

Existing laws are ineffective to deter Human Trafficking while protecting victims. Effective deterrents require bringing traffickers, and patrons who solicit services from trafficked persons, to justice. Additionally, current prostitution statutes place both patrons, traffickers, and prostituted persons into the same criminal category of "profiting from prostitution."

The lack of legal definition in our Hawaii statutes creates a deficit of adequate services and facilities in Hawaii to meet the needs of trafficking victims in terms of health care, housing, education, medical services, and legal assistance-- services 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.

In order to deter Human Trafficking, Hawaii must recognize that Human Trafficking is a serious offense. This can be simply accomplished by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting, rather than punishing, the victims of these offenses.

Hawaii needs law that:

- 1) defines sex-trafficking as a class A felony offense by revising current promoting prostitution statutes (which will clearly define the role of the sex-trafficker and not criminalize victims as "prostitutes"); and labor-trafficking as a class A offense.
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The residents of Hawaii, and concerned citizens around the world, are respectfully asking you to effectively combat the growing problem of Human Trafficking by supporting the passage of state legislation that would provide the just, severe, and effective punishment of traffickers and the protection of trafficked persons. We support leaders who support the passage of state legislation to create a Human Trafficking statute.

Please support the passage of HB576 (anti sex-trafficking).

Kristi Ishikawa

University of Hawaii at Manoa

MSW School of Social Work Student

DATE: Feb. 16, 2011

To: House Committee on Human Services

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From: YOUR NAME

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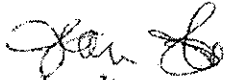
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Please support the passage of HB576 (anti sex-trafficking).


Jean Ito

Soroptimist International of Waikiki Foundation, Inc.

February 16, 2011

To: House Committee on Human Services

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Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, Sate Capitol

From: Lee Kapiko

Testimony in Strong Support

Re: H.B. 576 – Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services:

Aloha

For a few years I have worked with at-risk female youth in a group home setting. As I've gotten to know each of these young ladies, there were a few that have shared their stories with me as to what their life was like in living out on the streets. Though they weren't readily willing to admit it at first, they finally acknowledge that they became involved with prostitution. They were subtly coerced into that kind of lifestyle through a "friend" or what one of the young ladies referred to as her "boyfriend". It was a way to "stay

alive” and have a place to sleep, instead of being out on the streets and wondering when they go to sleep at night just how safe they would be or if they might be raped.

Human Sex-Trafficking is not something that just affects those who engage in risky behaviors. It affects all of us regardless of which community we may live in, our financial bracket, our status among others or the schools in which our children attend. It is a respecter of no one and yet it affects everyone.

It not only affects devaluing a person’s self worth, it reaches out and has a hold on other criminal activities such as drugs and illegal weapons.

The children and the youth are our hope for tomorrow, we need to protect them today from those who seek to benefit off the innocence of our children.

I strongly support H.B. 576 and would urge the committee to be in full support of this bill as well. .

Mahalo for the opportunity to testify in support of this bill. I urge this committee to pass this bill.

Mahalo,

Lee Kapiko

DATE: Feb 16, 2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
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Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Veronica Lamb

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services:

Aloha,

When I first met "TB" she was curled up on a bed in Waikiki, sucking her thumb. That night, like the previous nights, she had been advertised online under escort/adult services as willing to do fetishes. She was only 15 years old. In the following days, I visited her home & got to know her better. I can honestly say I have never personally known anyone with her level of talent or beauty before. Her artwork was amazing, her singing voice unbelievable, her beauty stunning. If she had been born the daughter of a famous hollywood personality, instead of in the meth houses of West Oahu, she would've put the current young celebrities to shame.

TB read me a poem one day. I can still see the words on the paper, the sketches beside the poem, her face as she reads it... I wish I could remember it word for word, but I'll have to paraphrase the story conveyed by her poem.

There once was a trash can. It was shiny, new, clean, and beautiful. But it was just a trash can and people threw their trash in it. Over the years they heaped their insults in it. Left it outside, kicked it, knocked it down, and left it battered, dirty, dark, & ugly.

When she finished reading the poem, she shrugged her shoulders and simply said "the trash can is me."

I have never, on my worst day, thought of myself as a trash can, let alone on my best day as a shiny trash can. I cannot say that I know what it feels like to be TB, but I can say that it breaks my heart to know that she feels like she was put on this earth for other people to throw their trash in.

I work closely with survivors and current victims of sex trafficking. I write this testimony not in regards to prostitution (a sex for money agreement between consenting, conscious, coherent adults), but in regards to sex trafficking (sex with...or better said, rape of fearfully controlled, deceived, confused, threatened, starved, humiliated, degraded, and beaten victims young & old).

I have met and worked with nearly 30 survivors of sex trafficking in the past 2+ years here in Hawaii and know many more who are still under the control of pimps/traffickers. The youngest survivor I have met in Hawaii had just turned 12 years old. Most are around the age of 20 years old when I meet them, many of them "in the game" since the age of 13 or 14. They come from all walks of life... rich families, poor families, Oahu, neighbor islands, Polynesian islands, the city, the country, private schools, public schools, the mainland, and the local community. They are the girl next door.

I do hope you listen & read the testimonies from today. Please understand the amount of abuse & control victims experience when living under when a pimp or trafficker. I hear their stories first hand... beatings, whippings, kicking, broken bones, crushed jaws, split skulls, cracked ribs, collapsed lungs, electrocution, gang rapes, abortions, miscarriages, being held at gun point, raped, robbed, stabbed, shot, degraded, held off of high rise lanai's with threats of being dropped to their death, threats of violence & death of their children and family members if they ever turn against their pimp/trafficker. The list goes on & on. I could retell their stories of abuse and traumatize every person in this room with mental images that will never leave your mind. But that is not why I am writing this testimony today.

If you are still unsure if pimps or traffickers really are active in Hawaii, please rent the movie "American Pimp" from Netflix. You will recognize Ala Moana Park, Kalakaua, Kuhio, Kaiulani, golf courses, etc... and hear what the pimps themselves think of Hawaii.

For today, please take the word of the many supporters here... It's a problem in Hawaii that needs to be addressed.

It's been over a year since I've seen or spoken to TB. She's still a minor and I fear she's lost in the Hawaii sex trade. Word is that she's being advertised for S&M sex acts. My fellow volunteers and I have searched the streets and clubs looking for TB, but have not found her. By this time next year, she will be 18. Under our current laws, she will have lost privilege to be considered an endangered child, or an exploited youth. Instead, the only label left to use when she is found in the next Waikiki bed is "prostitute". No one will ask to see her artwork, listen to her sing, or read her poetry... she will be handcuffed like all the other "prostitutes" and taken to jail.

Please support the passage of HB576 (anti sex-trafficking).

Veronica Lamb

Re: **Supporting the intent of HB576 – on Sex Trafficking**

House Human Services Committee

Hearing date: Thursday, February 17, 2011

Hearing time: 10:00 a.m.

Location: Rm. 329

Will not be present at hearing

One (1) copy, including original

Two (2) pages total

February 15, 2011

To: Rep. John Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Members of the Human Services Committee

Fm: Carmille Lim
carmille.lim@gmail.com

Dear Chair John Mizuno, Vice Chair Jo Jordan and Members of the Committee:

I support the intent of HB576.

Hawai'i's legal system is vulnerable; loopholes in policy and implementation have allowed sex-trafficking to remain active on our islands for far too long. Trafficking is not willing prostitution on the part of the victim. But, under the established prostitution statutes, **sex-trafficking victims are criminalised and placed in the same criminal category as prostitutes and the pimps and Johns who exploit them.** Hawai'i is one of five states left in the nation that have not made sex-trafficking a felony offense. Our state is in dire need of a law that adequately punishes sex-traffickers, while protecting sex-trafficking victims.

Sex-trafficking victims are exploited against their will for commercial sex against -- including prostitution, stripping, pornography and live-sex shows.² Much like the patterns of domestic violence, the pimps and Johns use **force, fraud and coercion** to compel their victims into these activities.² **Sex-traffickers use different tactics to "condition" their victims, including but not limiting to: starvation, confinement, beatings, physical abuse and rape.**³

Because of Hawai'i's central location in the Pacific, our state does more than attract tourists -- we import, export and trade-off trafficking victims. In 2000, the University of Pennsylvania School of Social Work **exposed that Honolulu was a hub for sexually-exploited children trafficked globally -- from Cambodia, Japan, Hong Kong, Korea, Laos, China, the Philippines, Taiwan, Vietnam, the Czech Republic, Poland, Russia, Canada, Mexico, and from within the continental United States.**¹

¹"The Commercial Sexual Exploitation of Children in the U. S., Canada and Mexico", Richard J. Estes and Neil Alan Weiner - University of Pennsylvania School of Social Work, Center for the Study of Youth Policy. September 18, 2001.

²"The Campaign to Rescue and Restore Victims of Human Trafficking", U.S. Department of Health and Human Services, Administration for Children and Families, 2004

³"Sex Trafficking Fact Sheet." Administration for Children and Families, Administration for Children and Families.pg. 17-19

The public continues to remain generally unaware of the sex-trafficking prevalence on our islands because many victims are discouraged from coming forward and seeking justice; since many sex-trafficked victims are brought into our state/country, they either (1) do not speak English (or fluently) (2) and feel like they cannot come forward because they will then "get in trouble." Because of the existing loopholes, sex-trafficking victims remain legally unprotected and the industry continues to remain robust, but under-the radar.

To remedy this, Hawai'i needs law that:

(1) **Defines sex-trafficking as a class A felony offense** by revising current promoting prostitution statutes, which will clearly define the role of the sex-trafficker and not criminalize victims as "prostitutes."

(2) **Protects child-victims (under 18)**. With this, a child-victim would not have to prove force, fraud or coercion to be recognised as victims; they only need to prove their age and that they are being prostituted.

Hawai'i must recognise that sex trafficking as a serious offense and a separate issue from prostitution. We need to prescribe and enforce appropriate punishment, which then gives priority to the prosecution of trafficking offenses, and **protects, rather than punishes, the victims** of these offenses.

Mahalo for your time.

¹"The Commercial Sexual Exploitation of Children in the U. S., Canada and Mexico", Richard J. Estes and Neil Alan Weiner - University of Pennsylvania School of Social Work, Center for the Study of Youth Policy. September 18, 2001.

²"The Campaign to Rescue and Restore Victims of Human Trafficking", U.S. Department of Health and Human Services, Administration for Children and Families, 2004

³"Sex Trafficking Fact Sheet." Administration for Children and Families. Administration for Children and Families.pg. 17-19

DATE: Tuesday, February 15, 2011

ATTN: Committee on Human Services

Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Chris Lee
Rep. Faye P. Hanohano
Rep. Dee Morikawa
Rep. Jessica Wooley
Rep. Ryan I. Yamane
Rep. Corinne W.L. Ching
Rep. Kymberly Marcos Pine

HEARING DATE: Thursday, February 17, 2011

HEARING PLACE: Conference Room 329 - State Capitol - 415 South Beretania Street

TIME: 10:00am – 12:00pm

RE: **HB576**

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 24 copies including original)

Dear Committee on Human Services,

Aloha,

My name is Andrea Long and I am a student at the University of Hawai'i at Mānoa School of Social Work. I am submitting testimony in favor of HB576.

By passing this bill, Hawai'i will be one step closer in ensuring that women, men and children are not forced into a life that strips them from their basic human rights.

According to the Honolulu Police Department, in 2008, 15 children were seen are high risk victims for human trafficking per month.

These children are victims of 21st century slavery. We cannot allow Hawai'i children to be bought and sold like ordinary objects in a store. These children are an oppressed population that have no voice, and lack the ability to walk away. These children need to be rescued, not arrested, and this bill will help.

Human trafficking in any form should not be tolerated and be stopped. Therefore, it is important to recognize that change needs to occur now. Appropriate consequences and punishment must be established for those who wish to take advantage of innocent victims. Adopting this bill will demonstrate that Hawai'i values people and is serious protecting, rather than punishing, the victims.

By passing this bill we will be one step closer to ensuring justice for all and creating a brighter future.

Mahalo for the opportunity to testify in support of HB576.

Sincerely,

Andrea Long

Sent: Wednesday, February 16, 2011 9:58 AM
To: HUS testimony
Cc: gmayehar@my.hpu.edu
Subject: Testimony for HB576 on 2/17/2011 10:00:00 AM

Testimony for HUS 2/17/2011 10:00:00 AM HB576

Conference room: 329
Testifier position: support
Testifier will be present: Yes
Submitted by: Ginger Mayehara
Organization: Individual
Address:
Phone:
E-mail: gmayehar@my.hpu.edu
Submitted on: 2/16/2011

Comments:

I am in support of HB576. There needs to be a law enforced regarding sex-trafficking in Hawaii. This issue needs to end once and for all. These people do not deserve to be treated as slaves and a live a life of fear and abuse that will affect them for the rest of their lives. Please pass HB576 for the sake of our children! Mahalo!

Testimony: HB 576

DATE: February 15th, 2011
ATTN: Committee on Human Services
Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair

Rep. Della Au Belatti	Rep. Jessica Wooley
Rep. Faye P. Hanohano	Rep. Ryan I. Yamane
Rep. Chris Lee	Rep. Corinne W.L. Ching
Rep. Dee Morikawa	Rep. Kymberly Marcos Pine

HEARING DATE: February 17th, 2011

HEARING PLACE: Conference Room 329 - State Capitol - 415 South Beretania Street

TIME: 10 am

EMAIL: LABTestimony@Capitol.hawaii.gov

Note to clerk: (Please print 24 copies including original)

Dear Committee on Human Services:

Hawaii is one out of only five states that have yet to instate sex trafficking laws, and consequently is maintaining unnecessary barriers in the finding and recovering of victims and the convicting of traffickers. This is troubling considering the alarmingly rapid rise in sex trafficking activity worldwide, including in the United States. But HB576 can change this.

Because of the current lack of differentiation between victims and perpetrators of sex trafficking crimes, the passing of HB576 is crucial to the physical and mental well-being of current and future victims of this abominable crime. It is also vital in better enabling law enforcers to incriminate perpetrators and patrons of human trafficking while simultaneously allowing the legal recognition of victims as such instead of incriminating them as prostitutes as current laws too often allow.

Not only will HB576 provide greater protection and hope to victims, it will create a greater deterrent to present and potential sex trafficking perpetrators, particularly to captors and promoters. As you know, while current law punishes the coercion of either adults or children only as a Class B Felony under Promoting Prostitution in the 1st Degree, HB576 will hold convicted sex traffickers accountable as Class A felons, resulting in harsher punishment and, consequently, more incentive to deter from trafficking activities.

Everyone, particularly women and children, are at greater risk of falling victim to traffickers without proper laws to protect them, and current victims have a much lower chance of being recovered. Something must be done to recognize sex trafficking for what it is: a heinous crime

that requires greater, more appropriate punishment for perpetrators and provides hope for current victims as well as protection for potential victims.

Please pass HB576.

Sincerest Regards,

Carrie Myers
Masters in Social Work Candidate
University of Hawaii Manoa

Sent: Wednesday, February 16, 2011 8:38 AM
To: HUS testimony
Cc: mindag@hawaii.edu
Subject: Testimony for HB576 on 2/17/2011 10:00:00 AM

Testimony for HUS 2/17/2011 10:00:00 AM HB576

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: minda
Organization: Individual
Address:
Phone:
E-mail: mindag@hawaii.edu
Submitted on: 2/16/2011

Comments:
This may affect your family.

February 17, 2011 10:00am, Conference Room 329

The Honorable Representative John M. Mizuno, Chair
The Honorable Representative Jo Jordan, Vice Chair
& Members of human services
State Capitol
Honolulu, Hawaii 96813

Dear John M. Mizuno, Chair and Jo Jordan, Vice Chair

Re: HB576 – Relating to sex trafficking

I am submitting testimony in strong support of HB576.

The issue of sex trafficking is a concern in many 3rd world country and so is the case in Hawaii, but in a different way. One of the ways traffickers are able to operate in Hawaii is through the vehicle of prostitution in which many of these children and women are being victimized. Sex-trafficking is big business in Hawaii. Also, Hawaii is one of five states left in the nation with no local law to adequately address the crime of human-trafficking for sex or labor. In addition HPD has no longer a Runaway Division for preventing high-risk youth victims. There is no protection for those who are being trafficked.

As a woman, I can imagine how easy it is to get involved or recruited in the sex industry especially those who have no support system. I can also imagine how hard it is to get out of this situation once one is involved in the sex industry. Those women and children in the industry are threatened and oppressed under their traffickers. They have no control over any decisions they make for themselves and cannot escape from traffickers due to threat over their lives and/or the lives of the ones they love, debt bondage, or have been psychologically brain washed to continue in the industry. Under the circumstances, they should not be categorized same as criminals with traffickers and the consumers. Rather, they should be protected by state law. I strongly advocate their rights to be protected.

Thank you for this opportunity to testify in support of sex trafficking bill HB576.

Asuka Mitani
Master of Social Work Candidate, University of Hawaii Manoa

Sent: Tuesday, February 15, 2011 4:18 PM
To: HUS testimony
Cc: revthomasolcott@hotmail.com
Subject: Testimony for HB576 on 2/17/2011 10:00:00 AM

Testimony for HUS 2/17/2011 10:00:00 AM HB576

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: Thomas Olcott
Organization: Individual
Address:
Phone:
E-mail: revthomasolcott@hotmail.com
Submitted on: 2/15/2011

Comments:

Aloha Representative John Mizuno, Chair, Hawai'i House Labor Committee:

I share this sad experience in the hopes that improvements can be made in laws to protect teenagers from the business of targeting and stalking them for introduction to prostitution, drugs, and loss of life. I thank you for your action on HB577 and urge your positive support of HB576.

I am unable to personally be with you for the informational session or the Hearing on HB756 as I am a Pastor in Hilo and have a pre-scheduled funeral on February 17th, 2011.

On November 1, 2009, my fifteen year old granddaughter, who with her Mother, was living with me in Hilo and attending the 9th grade at Hilo High, went missing in the middle of the night. Calling the Hilo Police Department the responding officer informed us we should wait for 30 days and like most runaways she would return. We did not settle for this "wait and see" response.

As we searched for my granddaughter with ever widening volunteer help from our contacts in the State, we were able to piece together events that led to her disappearance. We came to realize the following: for hardly more than a month she had been targeted, stalked, befriended, drugged and initiated into more serious drug use - then, she had been removed under the influence of drugs from our home and was being restrained with added drugs. We were told on the third day of her disappearance that this was a planned abduction for the purpose of selling her into prostitution, and were informed that within two days she would be gone from the Big Island.

We were able to entice the "stalker" (who was holding my granddaughter in a car at moving locations around Puna/Hilo) to come to our house under the guise of having this woman assist us in locating my granddaughter - this 19 year old woman had previously shown up at our home adamantly denying she had any knowledge of my granddaughter's whereabouts - but was always blaming others! Interviewed at our home by Police, this stalker "suddenly" was able to locate my granddaughter on her cell phone at a park within two miles of our home. Police went to the location and found my granddaughter "stoned" in the company of an associate of the stalker. They took my granddaughter to the Police Station and arrested the stalker - not for kidnapping but for parental custodial interference. We were told we had recovered my granddaughter in record time - day three of her disappearance!

We were able to bring my granddaughter home that night as "stoned" as she was and kept a guard on her - the next day we took her to Hilo Medical Center where we learned she had in the last few days been give 15 different drugs including crystal meth, oxycodine, and 3MMC (a new street drug which makes women want to be touched and boys willing to fight). She was also offered money for her kidney.

My granddaughter informed us that while she was missing, she was taken to "rave" parties where drugs, sex and violence were common place and that the age of the males at these parties ranged for 15 to mid thirties, and that most of the girls/women were between 14 and late twenties.

While we were in the process of searching for my granddaughter many parents and relatives came up to us and "thanked" us for speaking out and told us "My daughter also went missing!" One parent said she had gotten her daughter back (after months) from a house of prostitution on Maui. Since then, another community worker has told me she knows of at least another 8 girls who have gone missing in similar circumstances.

A woman Layer who represents "discarded" teenage prostitutes on the mainland called us and informed us Hawaii was a major source for supply new teenage prostitutes to the mainland.

In the following months, more parents contacted us saying at least 8 children had gone missing in a way similar to my granddaughter - but after we had been able to get her back. One parent said he got his daughter back, but could not afford treatment, and then called again to tell us she had again gone missing, but this time her sister was missing with her. One parent called and asked about the stalker and then told us her daughter had gone missing with the same stalker and was subsequently arrested and because drugs were involved would loose her college scholarship.

My granddaughter was examined by doctors and met with therapists for evaluation - they told us she had suffered severe trauma and we would have to take her to the mainland for "effective" treatment and that her experience was "very real" and her level of addiction was high.

We took my granddaughter to the mainland for detoxification therapy. The cost of this therapy lasting 2 months was \$20,000.00/month (covered by health insurance because the timing overlapped two calendar years). We were then told she was ready for transfer to a therapeutic boarding school where follow-up treatment and education would last about 18 months to be effective (the cost of this school is on average \$6,000.00/month - not covered by insurance).

I urge you to address this assault of family, school, and Hawaii's social stability. Again, I share this painful experience in the hopes that improvements can be made in laws to protect teenagers from the business interests that target and stalk them for introduction to prostitution, drugs, and loss of life.

I am pleased to inform you that after fourteen months of therapeutic treatment my granddaughter has recovered her sense of self-worth and is now an honor student. I salute her survival, her endurance, her courage, her recovery, and her affirmation of her integrity.

Representative Mizuno, I sincerely hope and trust that in your Chairmanship of the Hawai'i House Labor Committee you and all your legislative colleagues will embrace the reform called for in HB576,

Thomas W. Olcott
82 Alae Street, Hilo, HI 96720
revthomasolcott@hotmail.com

Sent: Wednesday, February 16, 2011 12:05 PM
To: HUS testimony
Cc: c_pomponio@yahoo.com
Subject: Testimony for HB576 on 2/17/2011 10:00:00 AM

Testimony for HUS 2/17/2011 10:00:00 AM HB576

Conference room: 329
Testifier position: comments only
Testifier will be present: No
Submitted by: Cathleen Pomponio
Organization: Individual
Address:
Phone:
E-mail: c_pomponio@yahoo.com
Submitted on: 2/16/2011

Comments:

My comments are as follows: I support any and all measures to stem the flow of sex traffic as well as people involved in the so-called 'sex industry', as though it were a legitimate industry. I would love it if we could get rid of the strip clubs that abound in the Honolulu area, possibly making it impossible for clubs that hire strippers or nude dancers to work within a certain mileage of residential neighborhoods, and school zones. It would cut down on the amount of 'after hours' work that is sometimes conducted in loud volume in neighborhoods. It would bring in a better class of vacationer and keep the areas cleaner.

DATE: February 15, 2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Jessica Wooley
Rep. Faye P. Hanohano
Rep. Ryan I. Yamane
Rep. Chris Lee
Rep. Corinne W.L. Ching
Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Aya Sato

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services:

Aloha

The rise in Human Trafficking among international and domestic trafficked persons is increasing as Hawaii is now 1 of 5 states in the nation that has not passed local legislation making Human Trafficking a felony offense while protecting the victims of this crime. Hawaii is also listed as one of the "Dirty Dozen" states with no laws or inadequate laws addressing sex-trafficking. In fact, we are among the "worst of the worst."

Existing laws are ineffective to deter Human Trafficking while protecting victims. Effective deterrents require bringing traffickers, and patrons who solicit services from trafficked persons, to justice. Additionally, current prostitution statutes place both patrons,

traffickers, and prostituted persons into the same criminal category of "profiting from prostitution."

The lack of legal definition in our Hawaii statutes creates a deficit of adequate services and facilities in Hawaii to meet the needs of trafficking victims in terms of health care, housing, education, medical services, and legal assistance-- services 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.

In order to deter Human Trafficking, Hawaii must recognize that Human Trafficking is a serious offense. This can be simply accomplished by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting, rather than punishing, the victims of these offenses.

Hawaii needs law that:

1) defines sex-trafficking as a class A felony offense by revising current promoting prostitution statutes (which will clearly define the role of the sex-trafficker and not criminalize victims as "prostitutes"); and labor-trafficking as a class A offense.

2) Protects child-victims (under 18). You do not have to prove coercion or force, just the age and that prostitution is going on. It also bumps up the crime against children to a Class A felony. Does not require that child-victims prove force, fraud or coercion to be recognized as victims.

3) Amends the current Promoting Prostitution statues to include a Sex-Trafficking definition of advancing prostitution through force, coercion, or fraud; **and** advancing child-prostitution (no requirement to prove force, coercion or fraud).

4) Makes being a sex-trafficker a Class A felony as well for adults. (Remember, Sex-Trafficking is NOT willing prostitution on the part of the victim).

5) Makes anyone who knowingly and willingly aids and abets a trafficker in victimizing people a Class B felony. (Targets brothel owners, recruiters, those who doctor identification).

6) Affords rights and protections to victims of Sex-Trafficking.

7) Includes Sex-Trafficking in the definition of Violent Crimes. (This is helpful for getting a high bail set prior to court).

8) Includes Sex-Trafficking in the list of crimes applicable to Forfeiture.

9) Allows for court order to apply for wire-tapping or interception of electronic communication of Traffickers.

10) Includes Sex-Trafficking in Organized Crime, Sexual Offenses, and Racketeering definitions

Benefits of a state law include:

- 1) Enabling local law enforcement to better identify victims of sex-trafficking, rather than seeing them as "prostitutes" by law, especially youth victims;
- 2) Enabling local law enforcement to create a "High Risk Victims' Identification" program for children at high-risk for Human Trafficking;
- 3) Enabling local law enforcement to create a division specifically focused only on Human Trafficking crimes;
- 4) Enabling adequate statistics to be gathered for perpetrators and victims of sex-trafficking, rather than relying on general prostitution arrests.

The residents of Hawaii, and concerned citizens around the world, are respectfully asking you to effectively combat the growing problem of Human Trafficking by supporting the passage of state legislation that would provide the just, severe, and effective punishment of traffickers and the protection of trafficked persons. We support leaders who support the passage of state legislation to create a Human Trafficking statute.

Please support the passage of HB576 (anti sex-trafficking).

Aya Sato

Master of Social Work Student

Hawaii Pacific University

HB567 Sex Trafficking
Testimony in Support
February 16, 2010

Dear Sirs,

I would first like to thank you for taking the time to listen to my testimony as well as the many others in the room with you. The freedom to be heard publicly like this is something we have you (and others like yourself) to thank for. Without it, change would never happen. So, thank you.

I am not a survivor of sexual exploitation, nor am I a mother or even a sister of a survivor, but am compelled to speak to you because I have met women and young girls who at some point in their life lost their freedom, dignity and respect due to being trafficked for sexual purposes in the state of Hawaii. Many of which would love to be heard right now, but they do not have the same luxury. Just as they don't have the luxury to eat when they want due to their traffickers authoritative tactics. It is my hope that most of the girls are being allowed to sleep in this very moment, since they have serviced between 10 and 30 men last night alone fulfilling the quota their "pimp/trafficker" gave them.

Over the past two years I have met approximately 50 – 100 prostituted persons in Honolulu alone. 26 of which I have become extremely close to and have been blessed to be apart of their own personal restoration. Due to the time restraint, I would like to share with you a story of one girl. The very first girl I met on Kuhio Ave. late one night.

Juliette I will call her to protect her identity. She was highly attractive, outgoing, funny, and of course in her short shorts and tall heels smoking a cigarette approaching every man who walk past her. I was certain that "some" of these women must want to be out here, or at least were willing to do it to make money. Surely no one was making them. "They are walking down a public street; they could walk away at any moment if they wanted to" were my thoughts.

Little did I know this was not so. I approached Juliette that night and she was cold to me, not making eye contact, ignoring my rather friendly hellos and so forth. Determined to understand why, I kept approaching her. It was this night that I "saw" the game. I slowly noticed how she would glance over her shoulder constantly as if she was answering to someone about who she could talk to. Over the course of a few weeks I realized that she was indeed answering to someone, about everything. She told me she worked independently and that she made tons of money, however I learned over time that she was forced to give every bit of her money to a "pimp" who brought her, along with other girls, to Hawaii from the mainland. I would see her from time to time, but only on that portion of Kuhio. Eventually she got comfortable speaking to me as long as her pimp wasn't watching, she alluded to the fact that she wasn't safe at times and but never came out and asked me for help. I will never forget the night I drove up next to the curb and asked her if she really wanted to be doing this, her response stopped time. She said

“Mama, ain’t no girl out here wanna do this. Not one! We’d all quit if we could.” I asked what was stopping her and she walked away. That was the last time I saw Juliette. From time to time I have heard of her whereabouts and understand that this pimp has moved her to another state to work.

With a law in place that names these pimps/traffickers as criminals and gives them proper penalty, girls like Juliette would be free. The reason she never turned her pimp in to the police was most likely because she was afraid; afraid that if he got locked up, he would be granted bail and then come after her with brutality if not death. I know from personal experience that more girls would come forward about this injustice if they knew the local government was there to protect them. As legislation stands right now, they are not protected, still being exploited, still unseen to most.

Please support the passage of HB576 (Sex Trafficking)

Nicole Thurman
Former Resident of Honolulu, HI

February 16, 2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Jessica Wooley
Rep. Faye P. Hanohano
Rep. Ryan I. Yamane
Rep. Chris Lee
Rep. Corinne W.L. Ching
Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: Sharon Toyomura

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services:

Hawaii is now one of five states in the nation that has not passed local legislation making Human Trafficking a felony offense while protecting the victims of this crime, and Hawaii has one of the worst track records regarding Sex Trafficking.

Existing laws are ineffective in protecting victims and punishing perpetrators. Current prostitution statutes place patrons, traffickers, and prostituted persons in the same criminal category of "profiting from prostitution."

Hawaii needs a law that:

1) Defines Sex-Trafficking as a class A felony offense by revising current Promoting

Prostitution statutes (which will clearly define the role of the Sex-Trafficker and not criminalize victims as "prostitutes"); and labor-trafficking as a class A offense.

2) Protects child-victims (under 18). You do not have to prove coercion or force, just the age and that prostitution is going on. It also bumps up the crime against children to a Class A felony. Does not require that child-victims prove force, fraud or coercion to be recognized as victims.

3) Amends the current Promoting Prostitution statutes to include a Sex-Trafficking definition of advancing prostitution through force, coercion, or fraud; **and** advancing child-prostitution (no requirement to prove force, coercion or fraud.)

4) Makes being a Sex-Trafficker a Class A felony as well for adults. (Remember, Sex-Trafficking is NOT willing prostitution on the part of the victim).

5) Makes anyone who knowingly and willingly aids and abets a trafficker in victimizing people a Class B felony. (Targets brothel owners, recruiters, those who doctor identification).

6) Affords rights and protections to victims of Sex-Trafficking.

7) Includes Sex-Trafficking in the definition of Violent Crimes. (This is helpful for getting a high bail set prior to court).

8) Includes Sex-Trafficking in the list of crimes applicable to Forfeiture.

9) Allows for court order to apply for wire-tapping or interception of electronic communication of Traffickers.

10) Includes Sex-Trafficking in Organized Crime, Sexual Offenses, and Racketeering definitions.

Benefits of a state law include:

1) Enabling local law enforcement to better identify victims of Sex-Trafficking, rather than seeing them as "prostitutes" by law, especially youth victims;

2) Enabling local law enforcement to create a "High Risk Victims' Identification" program for children at high-risk for Human Trafficking;

3) Enabling local law enforcement to create a division specifically focused only on Human Trafficking crimes;

4) Enabling adequate statistics to be gathered for perpetrators and victims of sex-trafficking, rather than relying on general prostitution arrests.

The residents of Hawaii, and concerned citizens worldwide are asking you to combat the growing problem of Sex-Trafficking by supporting the passage of state legislation that would provide the just, severe, and effective punishment of traffickers and the protection of trafficked persons. We support leaders who support the passage of state legislation to create an anti Sex-Trafficking statute.

Please support the passage of HB576 (anti Sex-Trafficking).

Thank you.

Sincerely,

Sharon Toyomura

DATE: Thu 17 Feb 2011

ATTN: COMMITTEE ON HUMAN SERVICES

Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Jessica Wooley
Rep. Faye P. Hanohano
Rep. Ryan I. Yamane
Rep. Chris Lee
Rep. Corinne W.L. Ching
Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

HEARING DATE: Thursday, February 17, 2011
HEARING PLACE: Conference Room 329 - State Capitol - 415 South Beretania Street
TIME: 10:00am

RE: RELATING TO CRIME.

Establishes class A and B felony sex trafficking offenses and provisions related to prosecution of the offenses. Effective upon approval.

EMAIL: LABTestimony@Capitol.hawaii.gov

Dear COMMITTEE ON HUMAN SERVICES

Aloha! My name is Saho Uemura, Master of Social Work candidate in University of Hawaii at Manoa.

I am in strong support of HB576.

In order to describe appropriate punishment for human trafficking offenders, and to protect victims, Hawaii needs an effective state statute that focuses on criminalizing perpetrators.

Although human trafficking occurs both internationally and domestically, victims who are trafficked across the nation are extremely vulnerable. They may be isolated from society because of limited language skill or knowledge in the US.

This bill affords rights and protections to victims of Sex-Trafficking by applying them for statewide witness program.

This bill protects child Sex-Trafficking victims by making a prosecution speedy when the victim is under 18 years old.

According to TIP report 2010 ¹⁾, 12.3 million adults and children are in forced labor or prostitution around the world. And 56 % of the victims are women and girls. They are not willing prostitutes, but victims of sex-human trafficking.

I am originally from Japan, which is one of major destination countries for human trafficking. I have seen that many people forced to work in sex-industry. The more I got to know about human trafficking, the more I became overwhelmed at this complex and deep-rooted issue. But I will devote myself to establish social justice in Hawaii, which is my second home.

I believe the best thing I can do now is speak in support of this bill.

Please pass this important bill. I thank you and your committee for the opportunity to testify.

Sincerely,

Saho Uemura
Master of Social Work Candidate
University of Hawaii at Manoa

¹⁾ Trafficking in Person Report 2010, U.S. Department of State.
<http://www.state.gov/g/tip/rls/tiprpt/2010/142750.htm#1>

DATE: 02-16-2011

To: House Committee on Human Services

The Honorable Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
Rep. Della Au Belatti
Rep. Jessica Wooley
Rep. Faye P. Hanohano
Rep. Ryan I. Yamane
Rep. Chris Lee
Rep. Corinne W.L. Ching
Rep. Dee Morikawa
Rep. Kymberly Marcos Pine

Date: Thursday, February 17

Time: 10:00 a.m.

Place: Conference Room 329, State Capitol

From: YOUR NAME

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

WEB: <http://www.capitol.hawaii.gov/emailtestimony>

Note to clerk: (Please print 1 copy including original)

Dear Committee on Human Services:

Aloha

I, Kyla Wayas, support Bill HB576 for the following reasons

1. Hawaii is one of five states left in the nation with no local law whatsoever that adequately addresses the crime of human-trafficking for sex or labor.
2. Existing Hawaii laws are ineffective to deter Sex Trafficking and protecting victims. Because current prostitution statutes place both patrons of prostitution and prostituted persons into the same criminal category.

3. According to the final report from the Judiciary about 400 prostitution cases (prostitutes and patrons) were brought last year. Of those 400, 2 cases involving forced prostitution (traffickers) were brought to trial. Of those 2 forced prostitution cases, 1 was dropped.
4. Victims 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, persecution, debt bondage, and fear of retribution. But mostly because current laws work against them and criminalize them, making it extremely difficult to comply with or to trust law enforcement.
5. The lack of legal definition in our Hawaii statutes creates a deficit of adequate services and facilities in Hawaii to meet the needs of trafficking victims in terms of health care, housing, education, medical services, and legal assistance-- services 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.
6. The added benefits for the inclusion of the Sex-Trafficking definition would be the identification of women and girls enticed, coerced or deceived into prostitution, to be identified as "victims" and not "prostitutes," which will make it easier in court to win such cases because they will be seen as sex-trafficked victims and not as "prostitutes."
7. Furthermore, law enforcement and services may institute a "high risk victims" identification program for repeat runaways to prevent child-trafficking (easier to do with a statute behind the implementation). This type of program has proved highly successful in other states and law enforcement has received some training about these programs.

In closing, being a victim a sexual abuse myself, I can only imagine the fear, hurt and despair these sex traffic victims experience. It is important that the State of Hawaii realizes the importance of addressing this issue by passing HB576. As a state we can show we care what happens to these sex trafficking victims and put a stop to it.

Please support the passage of HB576 (anti sex-trafficking).

Thank you for the opportunity to submit testimony.

Kyla Wayas

LAND OF THE FREE*



*Excludes those
trafficked into
modern-day slavery.

NEVER FORGET EVERY GIRL IS SOMEONE'S DAUGHTER!

February 15, 2011

TO: House Committee on Human Services

RE: HB576

My name is Toni Whalin, I live in Rapid City, South Dakota. I am submitting this testimony on behalf of my daughter Lori Ruth. I am using her name because the laws in Hawaii allowed the media to use her name, place of residence and how many children she has in news stories. The lack of protection of the rights of crime victims of "certain crimes" is absolutely reprehensible in your state.

Some of these problems include (1) Promoting prostitution statutes are not adequate in addressing Human Trafficking as they criminalize victims as "prostitutes", which carries a very heavy societal bias, and the penalties do not fit the atrocities of Human Trafficking. (2) Usually only a third degree promoting prostitution is applied to "Pimps"/Human Traffickers – a MISDEMEANOR, and (3) these laws are not preventative so authorities need to WAIT until something violent happens like sexual assault, murder, extortion or kidnapping occur to press charges worth prosecuting, which of course is detrimental to the Human Trafficking Victim.

No excuses, my daughter was working as a prostitute (a criminal according to the laws of Hawaii), she made a mistake and went with a "friend" to Texas and quickly found herself involved in Human Trafficking, where she lost control of all of her possessions, her identification, money and phone. She was "sold" to another Human Trafficker and taken to Hawaii with promises of "paradise". There she was left, alone, when with the help of hotel staff she was able to get out of the room of a Human Trafficker, she had no money, and no way to get home. She could have called home collect, but she was broken and ashamed.

Fortunately for her (NOT), a young woman saw her alone on the street and befriended her and convinced her that she could help her get work so she could get home to her boys. She drove a beautiful car and lived in a beautiful apartment, unfortunately she worked for a Human Trafficker, who owned all of these things.

On March 5, 2009 I arrived home from work and checked my phone messages to listen to a message my daughter left "Momma, I'm Here, I'm Alive, I Love You", and then a hang up. There was no caller id, no way to call her back. I had not heard from her for three weeks, I was not able to call her on her birthday in February as her phone appeared to be off (it had been broken) and I was terrified, we always talked daily.

As we were leaving church three days later a sheriff's officer working with the FBI in Honolulu, called and asked if we could pay for a motel room for our daughter and gave us a few details of the missing weeks we had experienced without contact from our daughter.

The day she met Joe Vaimili he began to break her spirit, he took her to a “Massage Parlor” called the Golden Queen. She was left there without street clothes, money or her identification. Each day Mr. Vaimili would arrive to pick up **all** of her earnings, he might bring her a salad from the McDonalds near by. I found out later he had promised to take her out of the massage parlor on her birthday to do something fun, have a nice dinner and buy some clothes. He and the female who sucked her in, took her to the McDonalds across the street, then back to the massage parlor. She was starved and exhausted, and when she was unable to earn enough at the Golden Queen he took her out and forced her to walk “the track” which I understand is the street.

She was under surveillance at all times, if not by Vaimili personally, one of his thugs, she was not allowed to speak to other Trafficking Victims, do not talk to other Human Traffickers, keep walking, and she walked and walked and walked. One night it was slow and he called her to berate her she hung up on him. He got out of his car, came across the street grabbed her by the hair and hit her so hard she was knocked out of her shoes. Security guards from hotels, pedestrians and other victims saw her being dragged into an alley, no one did anything, but they did steal her purse and shoes.

Every night when she returned to her room Vaimili would be waiting, he would order her into the shower (it was always running when she came in) she would have to strip get wet and then he would begin beating her with a belt, wet towels, throw liters of soda at her, lamps, drug her around by her long hair, etc. She was so bruised she could not move and he had to take her to a tanning salon to have them try to airbrush the bruises so she could “work”. Lori gave Vaimili a lot of lip. He was determined to “break” her. The female told her to just be quiet and it would be better. Human injustice should never be told to be quiet.

Finally he made her go back to the Massage Parlor, the beatings and other abuses continued. One night the female called and asked her to go get a soda with her, Lori asked if she was with Vaimili, she lied and told her no. Vaimili was hiding in the SUV, he was wearing all black, including a hat. As she got in and they started to drive away Vaimili came up behind her and put a gun to her head, ordered her to turn and kneel facing him in the seat. He placed the gun in her mouth and began to berate her, telling her she would never see her boys or her family again, and. The female drove them to a pineapple field (Lori used to love pineapple), she begged for her life the whole way, when they got there Vaimili pulled her from the SUV by her hair, forced her to the ground and told her she will never see her boys again and he hoped she loved pineapple.....and then God intervened.

A car appeared on the road out of the dark, Vaimili got scared and threw her back into the vehicle. She was taken to the female’s mothers home and a few days later, the female’s mother told her to leave. She called the Sheriff’s officer who had been raiding the Golden Queen and he came and picked her up.

Lori Ruth was forced to work for Joe Vaimili, now thanks to her testimony, he is a CONVICTED Human Trafficker. Unfortunately he absconded after jury selection and has not been seen by law enforcement since June 21, 2010. He was tried in absentia, but is still free, and we have to assume continuing in his lucrative ventures, as his victims continue to suffer.

Lori came home to us, for this we are eternally grateful. But she came home broken and still suffers emotionally, these events changed her life forever. She lives in fear that Vaimili will come here and find her and her boys. Because she was not really considered a VICTIM by the state of Hawaii, she was written about as a prostitute, her name was used, where she lived was listed, and the fact that she has children was used. Emotionally she cannot go back to these events and “tell” them again, I am her advocate.

In 2009, many **Oahu Neighborhood Boards** unanimously passed resolutions urging legislators to pass an anti-Human Trafficking state law making the crime a felony offense while protecting victims. **It is time.**

Christopher D. Yanuaria
3688 Manoa Road Apt. A
Honolulu, HI 96822

The Honorable Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair
House Committee on Human Services

Thursday, February 17, 2011 10:00AM – 12:00PM
State Capitol, Conference Room 329

RE: HB576 – RELATING TO CRIME

Establishes class A and B felony sex trafficking offenses and provisions related to prosecution of the offenses. Effective upon approval.

Dear Honorable Rep. Mizuno, Vice Chair Rep. Jordan and Members of the Committee,

My name is Christopher Yanuaria, a graduate student at Myron B. Thompson School of Social Work, and a resident of Maui County. I am testifying in **strong support of HB576.**

If you were to ask me two years ago what I thought about the issue of Human Trafficking, I would have no idea what you were talking about. Today, this issue means everything to me. The issue of Human Trafficking is the very reason during my undergraduate studies at Bethany University California I started an advocacy group focused on raising support and funds to secure justice for international victims of slavery. It is the very reason I left my job in Maui and flew to Washington, D.C. for seven months to intern at the Polaris Project, one of the largest non-government organizations combating human trafficking, where I was able to work directly with both foreign nationals and U.S. citizens who were victims of either sexual exploitation and/or forced labor. I would have never guessed that this issue would bring me back to my home here in Hawai'i.

Hawai'i is not just home to beautiful beaches, majestic waterfalls, and breathtaking sun sets, but it is quickly being known around the nation for its involvement in the largest Human Trafficking case in U.S. history, for being one of five states in the nation with no local Human Trafficking law, and one of the four states with the worst child-trafficking problem.

Sex Trafficking continues to thrive because traffickers are able to operate in areas lacking sufficient laws to prosecute perpetrators and ensure the protection of those most vulnerable in society. Awareness of these offenses demands the responsibility of both state and federal legislation to take action. The passing of HB576 will be a step forward to deter sex-trafficking occurring in Hawai'i for these reasons:

- HB577 defines sex-trafficking as a class A felony offense by revising current promoting prostitution statutes (which will clearly define the role of the sex-trafficker and not criminalize victims as "prostitutes"); and labor-trafficking as a class A offense.
- HB577 protects child-victims (under 18). You do not have to prove coercion or force, just the age and that prostitution is going on. It also bumps up the crime against children to a Class A felony. Does not require that child-victims prove force, fraud or coercion to be recognized as victims.
- HB577 amends the current Promoting Prostitution statutes to include a Sex-Trafficking definition of advancing prostitution through force, coercion, or fraud; and advancing child-prostitution (no requirement to prove force, coercion or fraud).
- HB577 makes being a sex-trafficker a Class A felony as well for adults. (Remember, Sex-Trafficking is NOT willing prostitution on the part of the victim).
- HB577 makes anyone who knowingly and willingly aids and abets a trafficker in victimizing people a Class B felony. (Targets brothel owners, recruiters, those who doctor identification).
- HB577 affords rights and protections to victims of Sex-Trafficking.
- HB577 includes Sex-Trafficking in the definition of Violent Crimes. (This is helpful for getting a high bail set prior to court).
- HB577 includes Sex-Trafficking in the list of crimes applicable to Forfeiture.
- HB577 allows for court order to apply for wire-tapping or interception of electronic communication of Traffickers.
- HB577 includes Sex-Trafficking in Organized Crime, Sexual Offenses, and Racketeering definitions

There was a time when Hawai'i lead the rest of the nation on this very issue. In November 2003, Girl Fest coordinated peaceful demonstration outside the business

address of Melvin Hamaguchi, sex-tour operator promoting the “Ultimate Asian Sex Tour,” who soon after shut down his business, Video Travel. This demonstration led to the signing of HB2020, a bill making sex-tourism a criminal offense in Hawai’i, on May 2004, the first law of its kind in the nation. This legislation has successfully been used as a precedent to enact similar legislation in states across the nation including New York and Washington State. For a state that at one time lead the nation on criminalizing sex-tourism why is it that we fail to implement a sufficient law against Human Trafficking?

My profession as an aspiring social worker calls me to serve society’s most vulnerable members, to me the most vulnerable members in society would be women and children who suffer from sexual exploitation.

My passion to end Human Trafficking has brought me full circle back here to Hawai’i. The very reason I came back home was to partner with other advocates of human rights on the island and have the state of Hawai’i once again lead the country in the anti-human trafficking movement. Passing HB576 would be the first step towards this goal.

Honorable Rep. Mizuno, Vice Chair Rep. Jordan and Members of the Committee by passing HB576 you will give voice to thousands of women and children who continue to suffer from what I believe is the most horrendous crime against human rights we face today.

I urge you to please pass HB576. Mahalo.

Sincerely,

Christopher D. Yanuaria