



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2011**

ON THE FOLLOWING MEASURE:

H.B. NO. 576, RELATING TO CRIME.

BEFORE THE:

HOUSE COMMITTEE ON HUMAN SERVICES

DATE: Thursday, February 17, 2011 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): David M. Louie, Attorney General, or
Lance M. Goto, Deputy Attorney General

Chair Mizuno and Members of the Committee:

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

Much of the conduct that this bill seeks to prohibit is already prohibited by existing laws, especially as a result of Act 147, Session Laws of Hawaii (SLH) 2008, which was proposed by the Hawaii Anti-Trafficking Task Force after two years of analysis and discussion. The Task Force was established by the Legislature through Act 260, SLH 2006, as amended by Act 176, SLH 2008, and comprises 27 law enforcement agencies, service providers, and other state agencies and community groups.

This bill proposes to create a new part to chapter 712 of the Hawaii Revised Statutes, entitled "Sex Trafficking," which includes the two new offenses of sex trafficking in the first degree and sex trafficking in the second degree. It repeals section 712-1202, Hawaii Revised Statutes, promoting prostitution in the first degree, and renames sections 712-1203

and 712-1204, Hawaii Revised Statutes, as promoting prostitution in the first and second degrees, respectively.

Section 712-1202, promoting prostitution in the first degree, which this bill repeals, is an integral part of a comprehensive legislative scheme to address the problem of prostitution. The section was amended in 2008 by Act 147, the Hawaii Anti-Trafficking Task Force effort, to strengthen our laws against human trafficking.

In place of section 712-1202, this bill proposes the two new sex trafficking offenses, which do not fit within the existing legislative scheme. The confusing words of these offenses would make it more difficult to obtain convictions than under current laws that prohibit the same conduct.

If there is concern that the current penalties for the conduct are insufficient, then the respective penalty provisions should be amended, but this bill does not do that.

Proposed Section 712-A Definitions

The bill defines "advances" and "profits" for the new sex trafficking provisions by basically adopting the promoting prostitution definitions of section 712-1201, Hawaii Revised Statutes. This is a clear indication of the overlap and redundancy of the sex trafficking provisions with existing law.

Proposed Section 712-B Sex Trafficking in the First Degree

Proposed section 712-B(1)(a) prohibits a person from knowingly advancing or profiting from the prostitution of a minor. This is already prohibited under section 712-1202(1)(b), Hawaii Revised Statutes.

Proposed section 712-B(1)(b) prohibits a person from knowingly advancing prostitution of an individual by doing any of the following:

- (1) Committing the offenses of extortion, kidnapping, unlawful imprisonment, or assault against the individual;
- (2) Making false statements to the individual;
- (3) Requiring that prostitution be performed to pay a debt; or
- (4) Unlawfully providing to the prostituted person, with intent to impair the person's judgment, drugs or intoxicating liquor.

The section is confusing and difficult to apply. It would be much easier to enforce the existing section 712-1202, promoting prostitution in the first degree.

Where proposed section 712-B(1)(b) requires the commission of the specified offenses, if the offenses of extortion, kidnapping, unlawful imprisonment, or assault were committed against the individual, the offender could be prosecuted for these offenses. Because the commission of these offenses would involve the use of force, threats, or compulsion to make the individual engage in sexual acts, the offender could also be prosecuted for chapter 707 sexual offenses.

The provision in proposed section 712-B(1)(b)(iv) to prohibit advancing prostitution by simply making false statements to induce a person to commit prostitution is overly broad, vague, and ambiguous. The reference to "false statements, misstatements, or omissions" could mean many things, and these alone should not be the basis for the offense.

The provision in proposed section 712-B(1)(b)(v) to prohibit advancing prostitution by "requiring" that prostitution be performed to repay a debt is also flawed. The term "requiring" is very vague. There probably needs to be a threat associated with the act of "requiring" the repayment through prostitution. If so, then there would be extortion and promoting prostitution in the first degree. Both of these

offenses could be charged.

The provision in proposed section 712-B(1)(b)(vii) to prohibit advancing prostitution by "unlawfully providing" to the prostituted person, with the intent to impair the person's judgment, drugs or intoxicating liquor is also flawed. The phrase "unlawfully providing" is vague and ambiguous.

**Proposed Section 712-C
Sex Trafficking in the Second Degree**

This section prohibits a person from advancing or profiting from prostitution by running a house of prostitution, or prostitution business involving the prostitution of an individual, while knowing that the prostitution activity of the individual was obtained by any of the means set out in the proposed 712-B, sex trafficking in the first degree.

This proposed offense actually prohibits the same conduct as in section 712-B, sex trafficking in the first degree, which prohibits advancing prostitution by those specified means.

"Advances," as defined in section 712-A, includes operating or assisting in the operation of a house of prostitution or a prostitution enterprise. And while the offender may not actively commit the specified "means" of obtaining the prostitution, the offender's advancement of the prostitution through the operation of the prostitution enterprise, and the offender's knowledge of the "means" being used to obtain the prostitution, should make the offender liable as an accomplice or co-conspirator for sex trafficking in the first degree. This makes section 712-C redundant with section 712-B.

**Proposed Section 712-D
Rights of Alleged Trafficking Victims**

This section does not involve "rights" of alleged victims. This section actually creates a defense to a charge of sex trafficking for those offenders who commit sex trafficking

offenses against other persons because any of the methods set forth in section 712-B(1)(b) were used by others against the offenders to make them commit the sex trafficking offenses. This section is confusing and inappropriate.

The concerns attempted to be addressed by this section should be appropriately covered by section 702-231, Hawaii Revised Statutes, which sets out the well established and defined defense of duress.

Conclusion

Based on the foregoing legal issues, the Department respectfully requests that this measure be held.

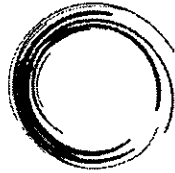
Sent: Thursday, February 17, 2011 7:26 AM
To: HUS testimony
Cc: jdold@polarisproject.org
Subject: Testimony for HB576 on 2/17/2011 10:00:00 AM
Attachments: Hawaii Testimony in Support of HB576.docx

LATE
Testimony

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

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: James L. Dold, J.D.
Organization: Polaris Project
Address:
Phone:
E-mail: jdold@polarisproject.org
Submitted on: 2/17/2011

Comments:



POLARIS PROJECT
FOR A WORLD WITHOUT SLAVERY

TESTIMONY IN SUPPORT OF HB576
PRESENTED TO THE HUMAN SERVICES COMMITTEE
FEBRUARY 17, 2011

Mr. Chairman and members of the Human Services Committee; on behalf of the more than 15,000 supporters of Polaris Project, thank you for providing us with an opportunity to speak about the crime of human trafficking. My name is James Dold and I am Policy Counsel for the Polaris Project.

Polaris Project is a leading national organization dedicated to combating human trafficking within the United States by serving victims, raising public awareness, and engaging in policy advocacy at both the State and Federal level. We have been selected by the U.S. Department of Health and Human Services to be its training and technical assistance provider and have operated the National Human Trafficking Resource Center and Hotline since December 2007. During this time our human trafficking call specialists have fielded over 25,000 calls from across the nation. We have also provided victim services to more than 300 survivors of human trafficking since 2004 in our D.C. and New Jersey client service offices.

I would like to take a moment to specifically thank Representative Belatti for introducing HB576. We greatly appreciate the Hawaii Legislature's concern for and willingness to address the crime of human trafficking, a grave violation of human rights.

Human trafficking is a crime that threatens not only the teenage girls in Bangkok, but also teenage girls in Honolulu. Human trafficking is a monstrous crime, shrouded in secrecy, often unknown except to those who remain bound by invisible chains. It is one of the great injustices of our lifetime and will continue to threaten the freedom of our children, our neighbors, and our fellow brothers and sisters until it is eradicated completely.

Human Trafficking National and Global Perspective

Human trafficking is the modern-day slavery, and it is one of the fastest growing criminal industries in the world, consisting of the subjugation, recruitment, harboring, or transportation of people for the purpose of forced labor or services or commercial

sexual exploitation. Victims of human trafficking in the United States include children and adults, as well as foreign nationals and U.S. citizens.

The United States Government estimates that between 600,000 to 800,000 people are trafficked across international borders for forced labor and sexual servitude each year, 70 percent of whom are women and over 50 percent are children. This does not include those trafficked within their own countries, which is as high as 2 to 4 million persons annually. Of those trafficked across international borders, up to over 60,000 individuals at a minimum are trafficked into the United States each year. These numbers suggest that the actual figure for the scope of human trafficking is much higher. Experts also estimate that between 100,000 to 300,000 American children are at high risk of being trafficked within the United States for sexual exploitation each year. The State Department estimates that there are roughly 12.3 million slaves in the world today, more than at any other time in the history of the world. Another estimate, by renowned human trafficking expert Kevin Bales, puts the total number of people trapped in modern-day slavery at an estimated 27 million. Most victims suffer a horrific life in which they are repeatedly beaten, raped, starved, chained or locked up, and psychologically tortured. For many, the only way of leaving is by means of escape, rescue, suicide, or murder.

There have been trafficking investigations in all 50 States and incidence of trafficking have been reported in 91 U.S. cities. Human trafficking is a crime that thrives in secrecy and is fed by the insatiable greed of those who see human beings as a commodity to be profited off of. Globally, human trafficking generates over \$32 billion in annual revenue.

In the United States, the crime of human trafficking is so profitable that in recent years we have seen the emergence of organized criminal syndicates and street level gangs implicated in sex trafficking rings. I cannot impress upon members of the Human Services Committee enough, that human trafficking is alive and well in the United States and it affects every corner of our nation. It is also prevalent in Hawaii.

Human Trafficking in Hawaii

Every day we receive calls through the National Human Trafficking Resource Center referencing situations where women and young children are subjected to violence, coercion, and fraud in order for their pimps or traffickers to profit. While we do not know how many victims there are in Hawaii, we do know that the National Hotline has received calls referencing trafficking situations in cities throughout the state of Hawaii. Some of these calls were classified as tips that human trafficking was occurring in different cities, including Honolulu, Hilo, and Wakiki Beach.

Human trafficking is a scourge that preys on the most vulnerable among us and exploits those who are in need of protection. And while it may be easy at times to pretend that human trafficking is not a crime that affects every day Americans, I can tell you with absolute certainty that it does. It is a crime of absolute evil. But by taking action and enacting anti-human trafficking legislation you will provide law enforcement and prosecutors in Hawaii with the tools that are needed to combat it.

HB576 will bring Hawaii closer to eliminating sex trafficking, in particular, by creating criminal provisions against this crime for the first time. HB576 provides a strong and comprehensive approach to combating modern-day slavery by giving victims protection from their traffickers and changing the way that victims are viewed in Hawaii. This bill is also important because it will classify sex trafficking as a crime in which the Attorney General may file an application for a wire-tap of a suspected trafficker, as well as give law enforcement the ability to initiate asset forfeiture proceedings. This bill will begin to bring Hawaii's laws in line with the other 45 states that have enacted some form of anti-human trafficking law.

I want to reiterate that HB576 is a very strong sex trafficking bill, and if enacted into law would substantially improve Hawaii's ability to respond to this heinous crime.

Support HB576

Therefore, I ask that the honorable members of the Human Services Committee vote favorably upon HB576. If you should have any questions, please feel free to call me at (202) 745-1001, ext. 132. Mahalo.

From: Ann Freed [annfreed@hotmail.com]
Sent: Wednesday, February 16, 2011 11:28 PM
To: HUS testimony
Subject: In support of HB576

LATE Testimony

ATTN: COMMITTEE ON HUMAN SERVICES

Rep. John M. Mizuno, Chair

Rep. Jo Jordan, Vice Chair

DATE: Thursday, February 17, 2011

TIME: 10:00am

PLACE: Conference Room 329

Aloha Chair Mizuno, Vice Chair Jordan and committee members,

I am in **strong support of HB 576** that would establish class A and B felony sex trafficking offenses and provisions related to prosecution of the offenses.

Although the stated aim of this bill is to target sex traffickers for incarceration for their crimes, the more important effect of such legislation would be to create a paradigm shift in the way women victims of this most violent of crimes are perceived.

Currently the world looks at women who are selling their bodies as willing participants in "the worlds oldest profession." The reality is that most women engaged in prostitution were originally coerced, by pimps, relatives and/or international trafficking rings. Many were underage when the first event happened, being promised love, a better life, a modeling career and instead they found themselves, beaten, force-fed narcotics and turned out to service men for the profit of their trafficker. Some are still truly enslaved, locked up and drugged during the day, and taken on forced "dates" at night.

Perhaps the most noxious part of existing statute is the idea that an underage child can consent to be a prostitute and that she must prove coercion in order to get justice. An underage child cannot "consent" to prostitution by virtue of the fact that she (or he) is a minor.

So I say, we need a sea change in the way we look at women engaged in prostitution. Just as there has been a dramatic shift away from the way rape victims were perceived in bad old days, we need to shift our perception of women whose bodies are being bought and sold to the highest bidder. I think it less important to discover who is a voluntary prostitute and more important to discover those who want out and cannot because they are under coercion.

I am old enough to remember a time that when a woman was raped it was assumed she asked for it. The questions were, how was she dressed, why was she out after dark, why didn't she fight back harder? Gradually, beginning with changes in the law and in law enforcement, the world has begun to stop re-victimizing and blaming the woman.

I think this legislation will start that process for victims of sex-trafficking in Hawai'i, as it has in all but five other states.

I have heard arguments against comprehensive sex trafficking legislation. "It doesn't fit well with existing statutes." I am not convinced that this is so. In my several years of working and testifying at the legislature, I have observed that when an agency doesn't want to change the way it is doing business it will use this excuse.

I have heard that labor and sex trafficking need to be addressed together. This perhaps is more compelling, as there is cross-over between sex and labor trafficking, but this is not compelling enough. I think that the women of Hawai'i have waited long enough for a combined statute. I am inclined to say pass this now and combine later.

I have heard that services for the victims are more important than law enforcement efforts. I am also not convinced that this is so. As in the case of rape victims, services follow once statute actually defines women as trafficked and not "ladies of the night" who simply volunteer for the mental, physical, and spiritual abuse that they receive.

According to one advocacy group, "The lack of legal definition in our Hawai'i statutes creates a deficit of adequate services and facilities in Hawai'i 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."

Please hear and pass this comprehensive anti-sex trafficking legislation. Justice for the sad and suffering victims has waiting long enough.

Ann S. Freed
Mililani, Hawai'i

808-623-5676

I request that Kathryn Xian be allowed to read my testimony as I am ill and cannot attend.

LAIE Testimony

From: Brenda Olcott [brendaolcott@hotmail.com]
Sent: Wednesday, February 16, 2011 5:53 PM
To: HUSstestimony; Rep. John Mizuno; Rep. Della Belatti; Rep. Jo Jordan; Rep. Chris Kalani Lee; Rep. Faye Hanohano; Rep. Daynette Morikawa; Rep. Jessica Wooley; Rep. Ryan Yamane; Rep. Corinne Ching; Rep. Kymberly Pine
Cc: kathy@traffickjamming.org; Tom Olcott; Sen. Clayton Hee; Sen. Shan Tsutsui; Rep. Gilbert Keith-Agaran; Rep. Karl Rhoads; Rep. Calvin Say; Judy Gibson; info@neilabercrombie.com; brian@brianschatz.com
Subject: Human-Trafficking Bill HB576 Testimony from a Survivor's Family for 2/17 10 a.m. Hearing in Conference Room 329

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

Thank you for hearing Bill HB576. I applaud you for letting these long silenced voices be heard – the voices of survivors and families, and their advocates who fight each day to help make our island home safer for everyone, especially our children. I recognize that this legislation is one part of finding the answer for thousands who have been victimized. It is a step in the right direction. It is a step forward that Hawaii's people need and deserve. After our family's experience, I know that not having this legislation condones the violation of basic human rights, it condones rape, and it condones child abuse. Living without this legislation is as far as I can imagine living away from Aloha.

I received your invitation to join survivors, families and advocates to speak tomorrow. It's an invitation list that I wish I was not included in because the cost that put my name on it shattered my family. Today, I submit my testimony by letter because I no longer live in Hawaii. I no longer am there to stand with those who will be there before you because the legislation that could have protected my daughter didn't exist when we needed it. This legislation. Today, my daughter, is a survivor. She is also on your invitation list. It is the last invitation list any parent would want to see their child on.

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." When we went looking for my daughter, I was told that girls from Hawaii rarely are found, that Hawaii is well known for exporting its innocents.

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.

his is our story. In September 2009, my 15 year old daughter started at Hilo High School as a freshman. I remember her first day, she was so excited. She couldn't wait to get involved in school clubs and make new friends. Within weeks she was befriended by an older teen during lunch on campus. I later learned this person targeted my daughter and wasn't an enrolled student. The campus was her hunting ground where she sought young girls to sell for other people. On November 2, 2009, I woke up in the middle of the night to a living nightmare. My daughter's bed was empty. What started with a call for help to the police led to a 3 day community search that made national news. My daughter who had never been in trouble, who was a good student, who went to Capitol Hill with me just months before to advocate with the YWCA for victim's rights, hate crime legislation, and to bring more funding for services back to Hawaii was to be returned to me high on 4-MMC and other drugs three days later. I had never heard of the drug 4-MMC before that day. In subsequent conversations with law enforcement I was told it was only a rumored to exist. I learned that this drug is used to recruit girls, it was being used to subdue young women – young teenage women – from being able to fight back. It is highly addictive and destructive. Today, that same drug is being called "bath salts" and making headlines. The day my daughter was returned, she had lost ten pounds, her long red hair had been cut and dyed. Her clothes and cell phone had been discarded. Over the course of fielding hundreds of leads during the search, I was told false identification had been created and the plan was for her to disappear. Forever. In the weeks and months since, I would speak with many families who shared their stories with me, who called to tell me that their

daughter had been found miles away, islands away, or in states far away. The worst were the families I spoke with who never found their children. Where was the legislation – this legislation - they needed to discourage those who prey on innocence?

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."

Today, my daughter is alive because our community cared and we wouldn't wait solely for our law enforcement to take action to find her. I chose to move my daughter to Hawaii when my father was called to serve as Senior Pastor at Church of the Holy Cross in Hilo. It was a choice I made because what I knew of Hawaii was that it would be a wonderful place to raise a child. In the five years we lived there, I gave my heart in my professional work with hospice, volunteer work with the YWCA and the Hilo Jaycees to our island community. I received many calls when my daughter was missing, several calls gave me hope. I was told that the community cared about us because the community knew I cared about them. Their message has carried me through. I ask you to give that message back to our community by passing this legislation. Not having this legislation is an invitation for my family's experience to continue to replay across Hawaii. I know, because I have answered more than a dozen calls from families whose voices are filled with the same desperation I felt in those days my daughter was gone. They call to tell me their daughters are missing. They call asking for help, to be told that someone cares.

My daughter does not remember details of her experience. Her memories come in the form of sleepless nights filled with waking nightmares. I sought help when she was returned to me. I was told that if we wanted help it was available, but if we wanted it to be effective we needed to look outside of Hawaii. Why wouldn't we want it to be effective? We found a program that has taught her how to rediscover her sense of self. The violent trauma of her experience had stolen that from her. The primary diagnosis for her treatment is Post-traumatic stress disorder (PTSD). The same diagnoses our soldiers return from war receive. Healing is possible. But I can't help but ask, wouldn't it be better to build the fence that prevents the trauma of sex trafficking from happening? Wouldn't it be better to have in place the legislation that protects our children? Don't you want your children, our children, to be spared from ever having to feel like selling their bodies was the only way they could respond to threats made against those they love? That it was the only way they could survive? We need to hold those who prey on our community accountable. We need this legislation passed.

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 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).

While we miss our family and many friends in Hawaii, we know that we can not return. Thank you for allowing me to share our experience and provide testimony in support HB576. I look forward hearing it has passed and that all of our communities across Hawaii are safer for everyone because this critical legislation exists.

Brenda Olcott

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: Shubheksha Rana

TESTIMONY IN STRONG SUPPORT

Re: H.B. 576 - Relating to Crime

Dear Committee on Human Services:

Aloha Everyone, I am testifying on behalf of National Association of Social Workers, Hawaii Chapter. I am the interim Executive Director of NASW HI. I would like to say that NASW HI with 970 members in the chapter strongly supports the bill HB 576.

Being a social worker, I have directly worked with many victims and survivors in Nepal helping them to rehabilitate and reintegrate them in the community. I have come across many victims even in Hawaii.

I would like to bring up few points. I have been hearing many times that the intent of the bill is good but we don't have enough money to support programs. Well, Coming from the country like Nepal, one of the poorest countries in the world. We do not have money or resources to help the victims or survivors of human trafficking; but still we have hundreds of programs working on this issue. The best example would be Ms. Anuradha Koirala. She was awarded with a "CNN Hero Award" in 2010. She has been working on this issue all her life. She started her organization from a small room but the intent is so great that people not only from Nepal, even outside Nepal started helping. Now she's been able to rescue more than 12000 girls. So, if she can single handedly gather the resources and help the victims, we being a whole state can definitely help to rescue and rehabilitate the victims. So, Please don't let money be an issue to not pass the bill. Passing the bill and making the law is the first step towards giving justice to the victims and setting up an example that yes we

politicians/legislatures do feel the pain that our children and daughters go through and that we are going to punish the victims who did this to our daughters.

As I said, I come from Nepal. We don't have an opportunity to talk to our legislatures. Even if we get to talk to them, they never listen. We have to vandalize the public property; close down the road, the city or the whole country in order to make them hear us. We had to face civil war because there was no one to listen to the voices of people and understand the need of the people. I don't want to see that happen here cause we do have a great system here. We have legislatures like you all who are concerned and who listen to the voices of people and understand the need. We are here today because we know you have the power to make difference and you will give proper decision on behalf of the victims, on behalf of the daughters of Hawaii. We are here today because we believe we will get justice.

Shubheksha Rana

From: Gina Snowden [ginaspace@hotmail.com]
Sent: Wednesday, February 16, 2011 9:14 PM
To: HUS testimony; Sen. Clayton Hee; Sen. Shan Tsutsui; Rep. Gilbert Keith-Agaran; Rep. John Mizuno; Rep. Calvin Say
Subject: HB576 (sex-trafficking) and HB577 (labor-trafficking)
Attachments: Human Trafficking Testimony 17 Feb 11.doc.docx

Dear Sirs,

Please consider my testimony for the current Human Trafficking Bills to be heard 17 Feb 11 at 10 AM. Labor and sex trafficking must cease in Hawaii!!! It is completely lost on me why this is even an issue that requires so much lobbying. It's a crime. Let us stop dancing around the issue and call it what it is. A crime!

Respectfully submitted,

Gina M. Snowden

HEARING DATE: 17 Feb 11

HEARING TIME: 10:00 AM

PLACE: Hawaii State Capitol

Subject: HB576 - RELATING TO CRIME - Human Trafficking Offenses; Crime

Establishes Class A and B, felonies for Human and Labor Trafficking

Dear JUDICIARY:

I have worn many hats in my life; daughter, sister, airman, mother, veteran. Now I proudly add one more hat to my mantle...citizen. No matter the label, I'm a human being.

Human trafficking; enforced prostitution; indentured servitude; sweatshop...many different labels that have the same outcome...slavery...no matter how it appears.

It was as a daughter and a sister I first saw images of indentured servitude in my little town of Rosamond California where many school friends came and went seasonally or were here today, gone tomorrow. Many were children of legal migrant farm workers, but as I later learned many were part of families that were treated as little more than slaves, indebted to those who treated them like chattel. Farm worker conditions in California were atrocious in those days, but the "support system" for some of the farming camps may have been worse in some cases.

In high school I learned about prostitution from two school friends from well-to-do families and only a year or two older than I. They ran away from home and ended up being taken from farm camp to farm camp by pimps. The pimps made \$10 a trick.

During my first few years in the Air Force I would learn more about prostitution while stationed in Germany. I'd even come to believe these women were doing what they wanted by choice and that prostitution was a victimless crime. Over a decade later I would learn more about the Eastern European girls who were forced into prostitution in Western Europe even before the demise of the Iron Curtain and Berlin Wall. My thoughts about prostitution and the sex worker industry began to undergo a change as I saw the sad little caravans parked along the European roadsides and heard stories of the teenaged girls in the Czech Republic who sold baked good during the day and their bodies at night.

Once I became a mother, horrific tales of child stealing and so-called "white slavery" seemed to hit the media with regularity I'd not before known. Perhaps it was because I was a new mother, or perhaps because the media was getting larger as the world became smaller. One way or the other my eyes became more open to the fact slavery was not over just because America thought so and it was not just about the past holocaust against Black America. I discovered an on-going crime against all humanity. Slavery had never stopped or even taken a break just because I wasn't looking.

Later, as a senior noncommissioned officer (SNCO) stationed at Camp Smith, Hawaii I was a member of Joint Task Force-Full Accounting. We were tasked with locating and returning the missing from the Vietnam War. I spent a total of six-months in Southeast Asia during my three-year tour. It was an honorable mission, but what I witnessed off-duty made this SNCO weep more than once. To see middle-aged men of European descent walking down the street, hand-in-hand with a young boy or girl was commonplace in some countries. I cringed to see an older man with a child for fear that the true nature of the relationship was something more sinister than a proud papa strolling with his young child seated upon his shoulders.

I was so proud when the Department of Defense took steps to educate military personnel and prevent us from frequenting establishments that could be facilitating human trafficking. I gratefully took my annual training on Human Trafficking, proud that America was doing something about this heinous crime. Then I retired and my eyes were open even wider to the reality of the current state of affairs in Hawaii.

As a veteran of the United States Air Force, I spent 28 years of my life helping to protect our freedoms and our way of life. I was appalled to discover slavery was not only happening in this state, but that there was no law to curtail human trafficking or to punish the slavers. Slavery. It is an ugly word isn't it? I know it tastes foul leaving my mouth, but I cannot allow our common discomfort to quell the necessity of putting these atrocities in perspective. We all need to be "uncomfortable" if we are to really understand why this law needs to be passed. We need to walk a block in the spike heels of young prostitute. We need to dig in the hard soil with the callused hands of an indentured farm worker. We need to rub away our silent tears with the chubby little fists of a child afraid of what sunrise may bring. If we have to force ourselves to taste the bile as it rises in our throats to picture what is done to a small body by a much larger one when no one cares to look, than that is what we must do. Because it is imperative that we take this discussion out of the political arena and place it where it belongs in the human realm. Humans feel, we care, we can empathize, and we have compassion. We are not inherently bound to a political party. We are however, bound to each other through our humanity.

So now, as a citizen, I've decided to become part of the solution and to stop ignoring the problem. I can no longer stand by and watch as innocent people are brutally, even savagely abducted and placed into a life of slavery, prostitution, and hard labor. I am here on behalf of disenfranchised persons caught up in a heinous crime that has yet to be formalized. Your support of this resolution will show criminals, potential criminals, victims, potential victims, and the world the strength of Hawaii's commitment against human trafficking and slavery.

At the end of the day I am a human being who chooses to work to end the suffering of those unable to help themselves and to help prevent future suffering of others. Judiciary committee you have a choice.

You can continue in the spirit of Lady Liberty with the words inscribed at her base:

Give me your tired, your poor,

Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tossed to me,
I lift my lamp beside the golden door

Or you can place new words outside this building for all to know:
Force here your abducted, abandoned poor
Your hollowed hearts have given up being free
The worthless refuge of these wealthy shores
Ignore them, the helpless victims of man's greed
I douse my lamp outside prestigious doors

I would very much like to see an end to a system that robs generations of their culture, history, and ancestry. I am proud to be an American with the roots of two great continents. I have little curiosity about from what part of Africa or from what tribe of Native Americans I can claim my DNA. But the fundamental nature of how I came to be here is no different than the fundamental nature that brings many more to this country in chains of one form or another. Passing this law moves us farther along in combating this awful illustration of man's inhumanity to man. Esteemed judiciary. In passing this law you make a commitment that you want to prevent repeating our awful history of slavery in America.

Thank you for your time and attention to my testimony. May we all continue to be blessed...living free and content.

Namaste,

Gina M. Snowden, Daughter, Sister, Mother
Chief Master Sergeant (retired), United States Air Force
Citizen

LATE Testimony

DATE: February 17, 1011

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: Erin Yamamoto

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 Erin Yamamoto, I am a graduate student at the University of Hawaii's School of Social Work. I am here in support of H.B. 576 to address the lack of crime and punishment of those involved with human trafficking in the name of sex or labor.

Human trafficking in Hawaii, among international and domestic cases, is on the rise. Our state is now 1 of 5 states left with no local law defining either sex trafficking or labor trafficking, making modern-day slavery slip through the justice system.

In order to deter human trafficking, Hawaii must recognize that forced prostitution is a serious offense. This bill will stand to punish traffickers to a Class A felony while punishing those who knowingly and willingly aid a trafficker in victimizing people, to a Class B felony. If passed,

this bill will generate rights and protect the victims of sex trafficking. This way, health care, housing, education, medical services, and legal assistance services can support the recovery of trafficked persons to regain control of their lives and to assist with the prosecution of human traffickers.

Hawaii needs this law to provide justice and effective punishment of sex traffickers and to protect the trafficked persons.

Please support the passage of HB576.

Thank you very much for you time,

Erin Yamamoto