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# A BILL FOR AN ACT

RELATING TO SERVICES FOR SURVIVORS OF HUMAN TRAFFICKING.

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

1           SECTION 1. Chapter 371K, Hawaii Revised Statutes, is  
2 amended by adding a new part to be appropriately designated and  
3 to read as follows:

4           **"PART . SERVICES FOR SURVIVORS OF HUMAN TRAFFICKING**

5           **§371K-A Definitions.** As used in this part:

6           "Human trafficking survivor" means a person who has had or  
7 now has the condition or status of debt bondage, involuntary  
8 servitude, severe forms of trafficking in persons, or sex  
9 trafficking as defined in Section 102 of the Victims of  
10 Trafficking and Violence Protection Act of 2000, 22 United  
11 States Code Chapter 78, Section 7102, as amended.

12           "Pre-certified victim of human trafficking" means a person  
13 who has a pending application for federal certification as a  
14 victim of a severe form of trafficking in persons as defined in  
15 22 United States Code 7102 (Trafficking Victims Protection) but  
16 has not yet obtained such certification, or a person who has  
17 reported a crime to law enforcement and it reasonably appears to  
18 law enforcement that the person is such a victim.



1           **§371K-B Services for victims of human trafficking.** (a)

2 The office of community services shall coordinate with and  
3 assist law enforcement agencies, the county prosecutors'  
4 offices, the attorney general's office, and the department of  
5 human services to access appropriate services for human  
6 trafficking survivors.

7           (b) In providing such assistance, the office of community  
8 services may enter into contracts with non-government  
9 organizations for providing services to pre-certified victims of  
10 human trafficking as defined in section 371K-A, insofar as funds  
11 are available for that purpose. Such services may include, case  
12 management, emergency temporary housing, health care, mental  
13 health counseling, drug addiction screening and treatment,  
14 language interpretation and translation services, english  
15 language instruction, job training and placement assistance,  
16 post-employment services for job retention, transportation  
17 services and services to assist the individual and any of his or  
18 her family members to establish a permanent residence in the  
19 State of Hawaii or the United States. Nothing in this section  
20 shall preclude the office of community services, or any local  
21 social services agency, from providing human trafficking victims  
22 who are United States citizens or human trafficking survivors as



1 defined in this part with any benefits and services for which  
2 they may otherwise be eligible. All funds and services  
3 delivered through this provision shall be supplementary to, and  
4 shall not duplicate benefits provided by federal government  
5 programs designed to assist survivors of human trafficking.

6 **§371K-C Confirmation as a survivor of human trafficking.**

7 (a) As soon as practicable, but not more than thirty days after  
8 a first encounter with a person who reasonably appears to a law  
9 enforcement agency or a district attorney's office to be a human  
10 trafficking survivor, that agency or office shall notify the  
11 office of community services and the division of criminal  
12 justice services that such person may be eligible for services  
13 under this part.

14 (b) Upon receipt of such a notification, the division of  
15 criminal justice services, in consultation with the office of  
16 community services and the referring agency or office shall make  
17 a preliminary assessment of whether such survivor or possible  
18 survivor appears to meet the criteria for certification as a  
19 victim of a severe form of trafficking in persons as defined in  
20 22 United States Code 7102 (Trafficking Victims Protection) or  
21 appears to be otherwise eligible for any federal, state, or  
22 local benefits and services. If it is determined that the



1 survivor appears to meet such criteria, the office of temporary  
2 and disability assistance shall report the finding to the  
3 survivor, and to the referring law enforcement agency or the  
4 attorney general's office, and may assist that agency or office  
5 in having such survivor receive services from a case management  
6 provider who may be under contract with the office of community  
7 services or from any other available source. If the victim or  
8 possible survivor is under the age of eighteen, the office of  
9 community services also shall notify the department of human  
10 services of the minor survivor.

11       **§371K-D Law enforcement assistance with respect to**  
12 **immigration.** Upon the request of a human trafficking victim or  
13 a representative of a human trafficking survivor, the State,  
14 local law enforcement agency, or district attorney's office  
15 shall provide the victim with the United States Citizenship and  
16 Immigration Service (USCIS) Form I-914 Supplement B Declaration  
17 of Law Enforcement Officer for Survivor of Trafficking in  
18 Persons. To provide persuasive evidence, the state or local law  
19 enforcement agency endorsement must contain a description of the  
20 victimization upon which the application is based, including the  
21 dates the trafficking in persons occurred. The endorsement must  
22 address whether the survivor had been recruited, harbored,



1 transported, provided, or obtained specifically for either labor  
2 servitude or services or for the purposes of a commercial sex  
3 act as defined in subdivision three of Section 7102 of Title 22  
4 of the United States Code.

5 **§371K-E Rules and Regulations.** The director of the  
6 department of labor and industrial relations may adopt rules  
7 pursuant to chapter 91 for the implementation and enforcement of  
8 this part."

9 SECTION 2. There is appropriated out of the general  
10 revenues of the State of Hawaii the sum of \$ or so much  
11 thereof as may be necessary for fiscal year 2012-2013 to provide  
12 services for human trafficking survivors.

13 The sum appropriated shall be expended by the department of  
14 labor and industrial relations for the purposes of this Act.

15 SECTION 3. In codifying the new sections added by section  
16 1 of this Act, the revisor of statutes shall substitute  
17 appropriate section numbers for the letters used in designating  
18 the new sections in this Act.

19 SECTION 4. This Act shall take effect on July 1, 2012.



**Report Title:**

Survivors of Human Trafficking; Services

**Description:**

Requires the Office of Community Services under the Department of Labor and Industrial Relations, in coordination with other relevant state agencies, to provide social services for survivors of human trafficking. Effective July 1, 2012.  
(HB1452 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

