
A BILL FOR AN ACT

RELATING TO HUMAN TRAFFICKING.

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

1 SECTION 1. The purpose of this Act is to alleviate the
2 current gap in service for survivors of human trafficking by
3 proposing a comprehensive plan that coordinates relevant state-
4 funded programs.

5 SECTION 2. Chapter 371, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§371- National human trafficking resource center
9 hotline; posting requirement; penalty. (a) An establishment
10 shall post in a conspicuous location near the entrance to, or
11 other area where posters and notices are customarily posted on
12 the premises of the establishment, a poster at least eight and
13 one-half inches by eleven inches in size that states the
14 following:

15 "If someone you know is being forced to engage in activity-
16 such as commercial sex, housework, farm work, or other similar
17 activity- and cannot leave, call the National Human Trafficking



1 Resource Center Hotline at 1-888-373-7888 to access help and
2 services.

3 Victims of human trafficking are protected under federal
4 and state law.

5 The hotline is:

6 (1) Available 24 hours a day, 7 days a week;

7 (2) Toll-free;

8 (3) Operated by a non-profit, non-governmental
9 organization;

10 (4) Anonymous and confidential;

11 (5) Accessible in 170 languages; and

12 (6) Able to provide help, referral to services, training,
13 and general information."

14 (b) For the purposes of this section, "establishment"
15 means:

16 (1) Any entity that holds a liquor license pursuant to
17 section 281-31, Hawaii Revised Statutes;

18 (2) An airport;

19 (3) A hospital;

20 (4) A health maintenance organization;

21 (5) A clinic;

22 (6) An urgent care center;



1 (7) A farm;

2 (8) A massage parlor; or

3 (9) A job recruitment center.

4 (c) The poster required to be posted under subsection (a)
5 shall be printed in English, Spanish, and any other languages
6 mandated by the Voting Rights Act of 1965, Public Law 89-110, in
7 the county where the poster will be posted.

8 (d) The department shall make available on its public
9 website an electronic version of the poster required under
10 subsection (a) required for establishments to print.

11 (e) Any establishment that violates subsection (a) shall
12 be fined not more than \$1,000 for each separate offense. Each
13 date of violation shall constitute a separate offense. Any
14 action taken to impose or collect the penalty provided under
15 this subsection shall be considered a civil action."

16 SECTION 3. Chapter 712, Hawaii Revised Statutes, is
17 amended by adding a new section to part I to be appropriately
18 designated and to read as follows:

19 "§712- Forfeiture of motor vehicle. (1) In addition
20 to any penalty that may be provided under this part, upon
21 conviction of:

- 1 (a) Paying, agreeing to pay, or offering a fee to pay
- 2 another person to engage:
- 3 (i) In sexual conduct under section 712-1200;
- 4 (ii) Street solicitation of prostitution in designated
- 5 areas under section 712-1207; or
- 6 (iii) Solicitation of prostitution near schools or
- 7 public parks under section 712-1209; or
- 8 (b) Advancing or profiting from prostitution by promoting
- 9 prostitution in the first degree under section 712-
- 10 1202 or promoting prostitution in the second degree
- 11 under section 712-1203;
- 12 any motor vehicle used or intended for use by the person in the
- 13 commission of, attempt to commit, or conspiracy to commit an
- 14 offense under this section, or any motor vehicle that
- 15 facilitated or assisted such activity shall be subject to
- 16 forfeiture under chapter 712A.
- 17 (2) In addition to any other fines that may be imposed for a
- 18 conviction under sections 712-1200, 712-1207, and 712-1209, the
- 19 court shall impose an additional fine of \$1,000, which shall be
- 20 distributed as follows:
- 21 (a) \$500 shall be deposited into the domestic violence and
- 22 sexual assault special fund under section 321-1.3; and



1 (b) \$500 shall be disbursed to the county in which the
2 arrest occurred.

3 (3) In addition to any other fines that may be imposed under
4 sections 712-1202 and 712-1203, the court shall impose an
5 additional fine of \$2,000, which shall be distributed as
6 follows:

7 (a) \$1,000 shall be deposited into the domestic violence
8 and sexual assault special fund under section 321-1.3;
9 and

10 (b) \$1,000 shall be disbursed to the county in which the
11 arrest occurred.

12 (4) For the purposes of this subsection, "motor vehicle"
13 means every vehicle which is self-propelled or powered by
14 electric power and shall not include vehicles operated upon
15 rails."

16 SECTION 4. Section 712A-4, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§712A-4 Covered offenses.** Offenses for which property is
19 subject to forfeiture under this chapter are:

20 (a) All offenses that specifically authorize forfeiture;

21 (b) Murder, kidnapping, labor trafficking, gambling,
22 criminal property damage, robbery, bribery, extortion,



1 theft, unauthorized entry into motor vehicle,
2 burglary, money laundering, trademark counterfeiting,
3 insurance fraud, promoting a dangerous, harmful, or
4 detrimental drug, commercial promotion of marijuana,
5 methamphetamine trafficking, manufacturing of a
6 controlled substance with a child present, promoting
7 child abuse, or electronic enticement of a child that
8 is chargeable as a felony offense under state law;

9 (c) The manufacture, sale, or distribution of a controlled
10 substance in violation of chapter 329, promoting
11 detrimental drugs or intoxicating compounds, promoting
12 pornography, promoting pornography for minors, [~~or~~]
13 promoting prostitution, or solicitation of
14 prostitution near public schools or public parks,
15 which is chargeable as a felony or misdemeanor
16 offense, but not as a petty misdemeanor, under state
17 law; [~~and~~]

18 (d) Paying, agreeing to pay, or offering to pay a fee to
19 another to engage in sexual conduct in violation of
20 chapter 712 and street solicitation of prostitution in
21 designated areas, which is chargeable as a petty
22 misdemeanor under state law; and



1 [~~(d)~~] (e) The attempt, conspiracy, solicitation, coercion,
2 or intimidation of another to commit any offense for
3 which property is subject to forfeiture."

4 SECTION 5. (a) There is established a working group
5 within the department of the attorney general to develop a
6 comprehensive state plan to coordinate services for survivors of
7 human trafficking.

8 (b) The attorney general or the attorney general's
9 designee shall oversee the working group and shall coordinate
10 the development of the state plan on services for survivors of
11 human trafficking. The working group shall consist of the
12 following members or their designee:

- 13 (1) The director of human services;
- 14 (2) The executive director of the office of community
15 services;
- 16 (3) A representative from the police department and the
17 office of the prosecuting attorney of each county;
- 18 (4) Representatives from health care providers, social
19 service agencies, and housing providers shall be
20 requested to serve by the attorney general; and
- 21 (5) Other interested stakeholders may be selected by the
22 attorney general.

1 (c) The working group shall create a state plan on the
2 coordination of services for survivors of human trafficking.
3 The activities of the working group shall include but not be
4 limited to:

5 (1) Gathering and disseminating information to law
6 enforcement agencies and the offices of the
7 prosecuting attorney in each county, the department of
8 the attorney general, the department of human
9 services, the office of community services, nonprofit
10 organizations, and the public on available services
11 for survivors of human trafficking. Services for
12 survivors of human trafficking shall include but not
13 be limited to:

- 14 (A) Case management;
15 (B) Emergency temporary housing;
16 (C) Health care;
17 (D) Mental health counseling;
18 (E) Drug addiction screening and treatment;
19 (F) Language interpretation and translation services;
20 (G) English language instruction;
21 (H) Job training and placement assistance;
22 (I) Post-employment services and job retention;



- 1 (J) Transportation services; and
- 2 (K) Services to assist the individual and any of the
3 individual's family members to establish
4 permanent residency in the State of Hawaii or
5 other localities in the United States;
- 6 (2) Identifying a single point of access for individuals
7 or organizations that need assistance or guidance in
8 navigating the processes and regulations of state
9 agencies on services for survivors of human
10 trafficking or projects that promote services for
11 survivors of human trafficking;
- 12 (3) Designating the department of human services as the
13 appropriate agency to provide services to income-
14 qualified, United States citizens and "qualified
15 immigrants" who are survivors of human trafficking and
16 the office of community services as the appropriate
17 agency to provide services to "disadvantaged, refugee,
18 and immigrant" survivors of human trafficking;
- 19 (4) Identifying a single executive department or a
20 division within a department to establish a program
21 for coordinating services for survivors of human
22 trafficking; and



1 (5) Proposing legislation and making recommendations to
2 the governor regarding human trafficking.

3 (d) The attorney general shall submit a report of the
4 working group's activities, including recommendations and
5 proposed legislation, if any, to the legislature no later than
6 twenty days prior to the convening of the regular session of
7 2014. The working group shall dissolve on June 30, 2014.

8 (e) For the purposes of this section, "survivor of human
9 trafficking" means a person:

10 (1) Who has had or now has the condition or status of debt
11 bondage, involuntary servitude, severe forms of
12 trafficking in persons, or sex trafficking, as those
13 terms are defined in title 22 United States Code
14 section 7102;

15 (2) Whose prostitution was promoted or advanced by any of
16 the means set forth in section 712-1202(1), Hawaii
17 Revised Statutes; or

18 (3) Who was subject to performing labor or services by any
19 of the means described in section 707-781(1), Hawaii
20 Revised Statutes.



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Survivors of Human Trafficking; Services; State Plan;
Comprehensive Plan

Description:

Requires establishments to display an informational poster. Requires persons convicted of prostitution-related offenses to forfeit their motor vehicles used in the commission of the crime. Requires the attorney general to establish a working group to coordinate services for survivors of human trafficking and report on the activities of the working group to the legislature. Effective July 1, 2050. (SB2123 HD1)

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

