

Honolulu, Hawaii

Feb 9, 2012

RE: H.B. No. 2234
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 2234 entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose of this measure is to safeguard minor victims of human trafficking by:

- (1) Establishing the minor victims of prostitution special fund;
- (2) Amending the definition of child abuse or neglect to include acts or omissions of any person or legal entity;
- (3) Requiring mandatory reporting when there is reasonable suspicion of child abuse or neglect;
- (4) Requiring law enforcement to immediately report incidents or suspicion of child prostitution to the Department of Human Services;
- (5) Granting the family court exclusive jurisdiction over any person under eighteen who is charged with an offense of prostitution;
- (6) Amending the statute of limitations under the prostitution coercion liability act;



- (7) Establishing that a person who is under eighteen and suspected of or charged with an offense of prostitution shall be granted immunity from prosecution, and shall be subject to the child protective provisions of chapter 587A, Hawaii Revised Statutes; and
- (8) Establishing a two-year victim services pilot program in the department of human services to address the needs of minor victims of prostitution.

The Tahiri Association, Equality Now, and several concerned individuals supported the measure. The IMU Alliance and The Pacific Alliance to Stop Slavery supported the measure with amendments. The Department of Human Services supported the intent of this measure. The Hawaii Youth Services Network opposed the measure. The Sex Abuse Treatment Center, Planned Parenthood of Hawaii, and a concerned individual offered comments on the measure.

Your Committee notes that the Hawaii Youth Services Network respectfully opposed this measure citing concerns that minor victims of sexual abuse or assault will lose the right to confidential medical care, counseling, and victim support services, which may deter victims from seeking assistance. The Hawaii Youth Services Network added that persons engaged in sex work will be less likely to be tested for HIV or other sexually transmitted infections, which would increase the spread of HIV/AIDS and other sexually-transmitted infections. Furthermore, the Hawaii Youth Services Network said the bill would impede the work of street outreach workers who work with runaway and homeless youth and those who conduct HIV prevention outreach, because the youth will not build relationships with workers or accept help to leave the streets if they know they will be reported for engaging in survival sex in order to obtain food, a safe place to sleep, or other things they need. Your Committee notes these concerns and encourages the interested parties to continue to work together to achieve the goals of this measure in a manner that best protects Hawaii's vulnerable youth.



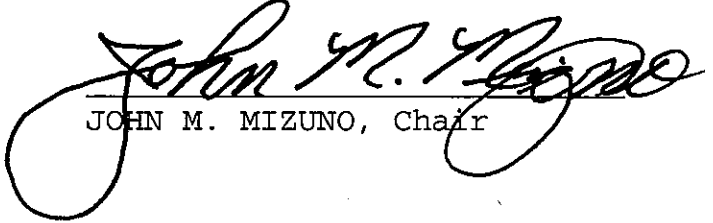
Your Committee has amended this bill by:

- (1) Replacing the title of section 1 with "Minor victims of prostitution; monetary assessment";
- (2) Clarifying language regarding an offender who has been granted a deferred acceptance of guilty or no contest plea when the offense involves prostitution or promoting prostitution of a person less than eighteen years old;
- (3) Specifying the monetary assessment an offender must pay;
- (4) Replacing the minor victims of prostitution special fund with the domestic violence and sexual assault special fund as the depository fund for the assessment established by this measure;
- (5) Specifying that a person shall report to the police department or Department of Human Services when there is reason to believe, rather than a reasonable suspicion, that child abuse or neglect has occurred or that a substantial risk of child abuse or neglect may occur in the future;
- (6) Amending the statute governing the domestic violence and sexual assault special fund to authorize its use to fund services pursuant to this measure and to include recommendations for further service provisions for victims of prostitution and sex trafficking in its reporting requirements;
- (7) Changing its effective date to July 1, 2050, to promote further discussion; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2234, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2234, H.D. 1, and be referred to the Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Human Services,


JOHN M. MIZUNO, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 232-12

Record of Votes of the Committee on Human Services

Bill/Resolution No.: <i>HB 2234</i>	Committee Referral: <i>HUS, JUD, FIN</i>	Date: <i>JAN 30, 2012</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	✓			
2. JORDAN, Jo (VC)	✓			
3. BELATTI, Della Au				✓
4. HANOHANO, Faye P.	✓			
5. LEE, Chris				✓
6. MORIKAWA, Dee	✓			
7. WOOLEY, Jessica	✓			
8. YAMANE, Ryan I.	✓			
9. CHING, Corinne W.L.	✓			
10. PINE, Kymberly Marcos	✓			
TOTAL (10)	<i>8</i>			<i>2</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <i>GIE</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				