

STAND. COM. REP. NO. 529

Honolulu, Hawaii

Feb 18, 2011

RE: H.B. No. 576
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 576 entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this bill is to establish sex trafficking as a felony offense and protect victims of sex trafficking by, among other things:

- (1) Establishing class A and class B felony sex trafficking offenses;
- (2) Including sex trafficking among the offenses that the Attorney General is to give greatest priority to in providing security, protection, and funding under the statewide witness program;
- (3) Providing compensation for victims of sex trafficking in the first and second degree;
- (4) Authorizing or approving the interception of wire, oral, or electronic communications, if the interception might provide or has provided evidence of sex trafficking in the first and second degree; and
- (5) Establishing sex trafficking as an offense for which property is subject to forfeiture.

HB576 HD1 HSCR HUS HMS 2011-2401



Equality Now, Hawaii Family Forum, Hawaii Catholic Conference, The Pacific Alliance to Stop Slavery, Polaris Project, and several concerned individuals testified in support of this bill. A concerned individual supported the intent of this measure. The Attorney General testified in opposition to this bill. The Office of Community Services and several concerned individuals offered comments.

Your Committee acknowledges that testimony submitted by the Attorney General strongly supports the goals of preventing human trafficking and bringing its perpetrators to justice. However, conduct that this bill seeks to prohibit is already prohibited under existing law. Due to this, the Attorney General opposes this bill. This bill also contains legal problems, and the Attorney General cites issues, such as vague, ambiguous, confusing, and redundant language that may make the bill more difficult to enforce.

The Prosecuting Attorney notes a number of existing laws addressing sexual human trafficking within Hawaii and believes that creating a new law, already covered with existing laws, is unnecessary. To strengthen existing laws pertaining to sexual human trafficking, the Department of the Prosecuting Attorney has introduced several bills: H.B. No. 240, H.B. No. 241, H.B. No. 242, S.B. No. 1016, S.B. No. 1017, and S.B. No. 1018.

Last year, Governor Linda Lingle vetoed a sexual human trafficking bill that the Legislature passed due to the inclusion of proposed new offenses intended to prohibit conduct that is already covered under existing law. Moreover, poorly drafted, overly broad, and inaccurate language in the bill, would make bringing to trial and convicting those who engage in sexual human trafficking difficult.

Your Committee notes that there are two other bills, H.B. No. 946 and H.B. No. 497, relating to this topic, that are moving forward to the Judiciary Committee.

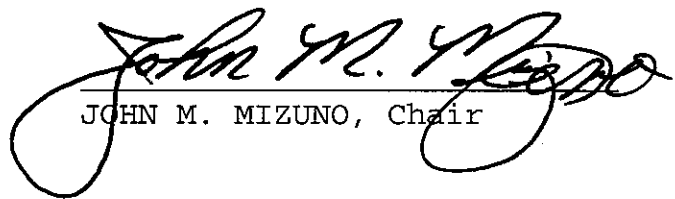
Your Committee has amended this bill by:

- (1) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (2) 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. 576, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 576, H.D. 1, and be referred to the Committee on Judiciary.

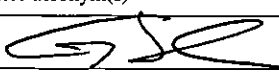
Respectfully submitted on
behalf of the members of the
Committee on Human Services,


JOHN M. MIZUNO, Chair



HSCE 529

Record of Votes of the Committee on Human Services

| Bill/Resolution No.: HB 576 | Committee Referral: HUS, JUD | Date: 2/17/2011 | | |
|---|--|---------------------------|------|----------|
| <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 | ✓ | | | |
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| TOTAL (10) | 8 | | | 2 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s) | | | | |
| Vice Chair's or designee's signature: _____  | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |