

Honolulu, Hawaii

March 16, 2012

RE: S.B. No. 2579
S.D. 2
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 S.B. No. 2579, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

begs leave to report as follows:

The purpose of this measure is to protect children from further victimization after the child is discovered to be a sexually exploited child. Specifically, this measure:

- (1) Establishes a new chapter for the safe harbor of sexually exploited children;
- (2) Establishes the minor victims of prostitution special fund;
- (3) Grants the family court exclusive jurisdiction over any person under eighteen who is charged with certain offenses of prostitution;
- (4) Amends the statute of limitations under the prostitution coercion liability act; and
- (5) Establishes that persons who are under 18 and suspected of or charged with certain offenses of prostitution shall not be prosecuted, and shall be subject to the



provisions of the safe harbor for sexually exploited children chapter.

The Polaris Project, Papa Ola Lokahi, and several concerned individuals supported the measure. IMUAlliance and the Pacific Alliance to Stop Slavery supported the measure with amendments. The Honolulu Police Department opposed the measure. The Attorney General, Department of Human Services, Department of Budget and Finance, and the Prosecuting Attorney of the City and County of Honolulu offered comments on the measure.

Your Committee notes that the Department of Human Services testified that it respectfully opposes placing the services for sexually exploited children within the Department of Human Services for multiple reasons, including lack of staff with expertise in human trafficking and services, and the added financial costs for such a project, among other concerns.

Your Committee also notes that the Attorney General testified that it had concerns with the measure and suggested the Committee delete the provision that granted the Family Court exclusive jurisdiction over any person under 18 who is charged with certain offenses of prostitution, and to also delete the provision that established that persons who are under 18 and suspected of or charged with certain offenses of prostitution, including loitering for the purpose of engaging in prostitution, shall not be prosecuted, and shall be subject to the provisions of the safe harbor for sexually exploited children chapter.

Your Committee also notes that the Department of the Prosecuting Attorney of the City and County of Honolulu testified that it had strong objections to the provision that provides for law enforcement detention of juveniles suspected of prostitution offenses, but exempting them from prosecution. The Prosecuting Attorney said the provision was too broad, vague, and unwise and counterproductive.

Your Committee has amended this measure by:

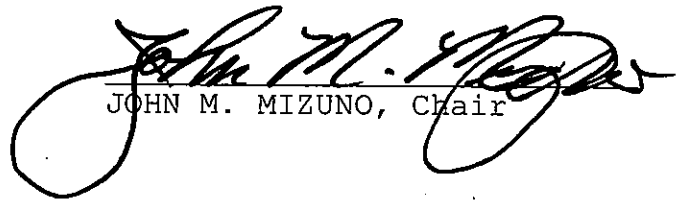
- (1) Expanding the scope of the domestic violence and sexual assault special fund annual report to the legislature to include promoting prostitution in the first degree and sex trafficking;
- (2) Deleting the safe house for sexually exploited children provision;



- (3) Deleting the minor victims of prostitution special fund provision; and
- (4) 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 S.B. No. 2579, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2579, S.D. 2, 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



