

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 2579

S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committees on Human Services and Judiciary and Labor, to which was referred S.B. No. 2579 entitled:

"A BILL FOR AN ACT RELATING TO MINORS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the minor victims of prostitution special fund;
- (2) Amend the definition of "child abuse or neglect" to include acts or omissions of any person or legal entity;
- (3) Require mandatory reporting when there is reasonable suspicion of child abuse or neglect;
- (4) Require law enforcement to immediately report incidents of child prostitution to the Department of Human Services;
- (5) Grant the Family Court exclusive jurisdiction over any person under eighteen who is charged with certain offenses relating to prostitution;
- (6) Amend the statute of limitations under the Prostitution Coercion Liability Act, chapter 663J, Hawaii Revised Statutes;



- (7) Establish that a person who is under eighteen and suspected of or charged with certain offenses relating to prostitution shall be granted immunity from prosecution, and shall be subject to the child protective provisions of the Child Protective Act; and
- (8) Establishes a two-year victim services pilot program to address the needs of minor victims of prostitution.

Your Committees received testimony in support of this measure from IMUAlliance, the Pacific Alliance to Stop Slavery, the Polaris Project, and six individuals. Your Committees received testimony in opposition to this measure from the Department of Human Services, the Department of Budget and Finance, and the Sex Abuse Treatment Center. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that child victims of human trafficking, the modern-day slavery, can still be prosecuted for being exploited through prostitution, and are therefore seen and treated as criminals instead of as victims. This measure enacts a comprehensive, victim-centered, legal framework to combat human trafficking, and more specifically child sex trafficking.

Your Committees also find that the amendment to broaden the definition of "child abuse or neglect" expands the scope of child abuse and neglect beyond the Department of Human Services' ability to respond.

Your Committees further find that the mandatory reporting requirements of the measure, as it is currently drafted, are out of the scope of the Department of Human Services' responsibilities and could potentially jeopardize pending criminal investigations.

Your Committees note from the testimony of the Department of the Attorney General that references to specific violations relating to prostitution may require further review.

Your Committees have amended this measure by:

- (1) Adding language to establish protections and support specifically for sexually exploited children under a new chapter titled "Safe Harbor for Sexually Exploited Children";




- (2) Amending the two-year victim services pilot program to be a victim services program for sexually exploited children under the new Safe Harbor for Sexually Exploited Children chapter;
- (3) Establishing the minor victims of prostitution special fund under chapter 346, Hawaii Revised Statutes, rather than the Hawaii penal code, and amending allowable uses of fund monies;
- (4) Deleting language relating to reporting of suspected or known child abuse or neglect;
- (5) Placing persons under eighteen who are suspected of or charged with the offenses established under sections 712-1206 and 712-1207(2), Hawaii Revised Statutes, and exempted under section 712-1206(4), Hawaii Revised Statutes, under the Family Court's exclusive jurisdiction;
- (6) Amending the offense of loitering for the purpose of engaging in or advancing prostitution to exempt individuals under eighteen from prosecution and extending the supports and services of the new Safe Harbor for Sexually Exploited Children chapter;
- (7) Inserting language to exempt a person under eighteen who is suspected of or charged with a violation of section 712-1207(2), Hawaii Revised Statutes, from prosecution;
- (8) Amending language to delete the inappropriate use of the term "immunity";
- (9) Amending language throughout the measure to apply protections under the new Safe Harbor for Sexually Exploited Children chapter, rather than child protective provisions of chapter 587A, Hawaii Revised Statutes, where appropriate;
- (10) Inserting an effective date of July 1, 2050, to ensure further discussion; and
- (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the records of votes of the members of your Committees on Human Services and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2579, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2579, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Human Services  
and Judiciary and Labor,



CLAYTON HEE, Chair

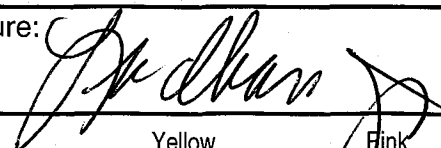


SUZANNE CHUN OAKLAND, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <b>SB 2579</b>	Committee Referral: <b>HMS/JDL, WAM</b>	Date: <b>2/13/12</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
GREEN, M.D., Josh	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

