



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809

January 30, 2012

TO: The Honorable John M. Mizuno, Chair  
House Committee on Human Services

FROM: Patricia McManaman, Director

SUBJECT: **H.B. 2234 - RELATING TO MINORS**

Hearing: Monday, January 30, 2012; 8:30 a.m.  
Conference Room 329, State Capitol

**PURPOSE:** The purpose of the proposed legislation includes to: amend the definition of child abuse or neglect to include acts or omissions of any person or legal entity; require mandatory reporting when there is reasonable suspicion of child abuse or neglect; requires law enforcement to immediately report incidents of child prostitution to DHS; and establish that a person who is under eighteen and suspected of or charged with an offense of prostitution shall be subject to the child protective provisions of chapter 587A.

**DEPARTMENT'S POSITION:** The Department of Human Services supports the intent of the proposed legislation to modify the approach to minors who are victims of human trafficking. The Department respectfully opposes the proposed changes to: the definition of child abuse in chapter 587A, Hawaii Revised Statutes (HRS) to include violations of §§712-1200(1), 712-1207(1) and 712-1209(1), HRS, as required reports of child abuse specified in chapter 350, HRS; making minors suspected of or charged with a violation of these subsections automatically the subject of the child protective provisions of chapter 587A, HRS.

The Federal Child Abuse Prevention and Treatment Act (CAPTA) [42 U.S.C. 5106g] specifies that the term "child abuse and neglect" relates to an act or failure to act on the part of a parent or caretaker. This provision is echoed in chapter 350, HRS, Child Abuse, and chapter 587A, HRS, Child Protective Act, with their reference to persons responsible for the care of a child. To broaden the definition of child abuse to "the acts or omissions of any person or legal entity" expands the scope child abuse and neglect beyond the Department's ability to respond.

Similarly, the modifications to chapter 350, HRS, requiring the mandatory reporting of violations of the provisions of §§712-1200, 712-1207 or 712-1209, HRS, and the modifications to chapter 712, HRS, making a minor who violates §§712-1200, 712-1207 or 712-1209, HRS, a subject of chapter 587A would place burdens on other systems including law enforcement and the Judiciary.

Given the importance of this issue, however, and the current limitations of the systems to respond to these changes, the Department respectfully suggests that the most appropriate action at this point would be to initiate discussion to more fully explore options that will protect child victims of human trafficking while leaving intact the essential framework required under CAPTA.

Thank you for the opportunity to testify.



The PACIFIC ALLIANCE  
to STOP SLAVERY

DATE: January 27, 2012

ATTN: HOUSE COMMITTEE ON HUMAN SERVICES

Rep. John M. Mizuno, Chair  
Rep. Jo Jordan, Vice Chair  
Rep. Della Au Belatti  
Rep. Jessica Wooley  
Rep. Faye P. Hanohano  
Rep. Ryan I. Yamane  
Rep. Chris Lee  
Rep. Corinne W.L. Ching  
Rep. Dee Morikawa  
Rep. Kymberly Marcos Pine

DATE: Monday, January 30, 2012

TIME: 8:30am

PLACE: Conference Room 329  
State Capitol  
415 South Beretania Street

RE: **TESTIMONY IN SUPPORT OF HB2234 WITH AMENDMENTS - RELATING TO  
MINORS**

Dear Committee on Human Services:

The Pacific Alliance to Stop Slavery (PASS) is in support of this bill with amendments. PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of over 7000 persons.

System-wide misidentification of children as status offenders or juvenile delinquents runs rampant in Hawaii, which results in the further victimization of child victims of sex-trafficking by those who should be tasked to help them. Hawaii must enact laws that automatically protect child victims of sex-trafficking such as HB2234 proposes.

We agree with the amendments proposed by Imua Alliance with a few minor changes to their amendments. In partnership with Imua Alliance, we recommend replacing the current contents of Section 1 of HB2234 to read as follows:

§706- Minor Victims of Prostitution Monetary Assessment. (1) In addition to any disposition authorized by chapter 706 or 853, any person who is:

(a) Convicted of an offense under part I of chapter 712 when the offense involves prostitution or promoting prostitution of a person less than eighteen years old; or



(b) Charged with an offense under part I of chapter 712 and 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;

shall be ordered to pay a monetary assessment ~~not to exceed~~ of \$5,000.

Notwithstanding sections 706-640 and 706-641 and any other law to the contrary, the assessments provided by this section shall be in addition to and not in lieu of, and shall not be used to offset or reduce, any fine authorized or required by law.

(2) Appropriations by the legislature and all monetary assessments paid and interest accrued on funds collected pursuant to this section shall be deposited into the domestic violence and sexual assault special fund administered and expended by the department of health in accordance with HRS 321-1.3, and shall be used by the Department of Human Services to make grants to non-governmental organizations to provide services for victims encountered during the course of an investigation into any violation of HRS 712-1202(1)(a) or 712-1202(1)(b), provided such victims constitute persons whose prostitution was advanced by methods as defined by HRS 712-1202(1)(a) or 712-1202(1)(b).

(3) Probation fees imposed under part III of chapter 706 shall be paid before payment of the monetary assessment.

Furthermore, language should be revised accordingly to reflect the changes proposed above, on page 21, Section 9, (4)(c), lines 3-7.

PASS also urges the committee to use this bill to amend HRS 321-1.3(d)(2), mandating the DVSASF annual report to the Legislature, to read: “Recommendations on how to improve services for victims of domestic violence, sexual assault, promoting prostitution in the first degree as defined by HRS 712-1202 1(a) and 1(b), or ~~and human~~ sex-trafficking as defined in title 22 United States Code, section 7102, as amended.”

Thank you very much for hearing this much needed legislation.

Sincerely,

Kathryn Xian  
Executive Director  
Pacific Alliance to Stop Slavery



1350 S. King Street • Suite 309 • Honolulu, Hawaii 96814 • [www.pphi.org](http://www.pphi.org) • Phone: 808-589-1156 • Fax: 808-589-1404

January 29, 2012

## Comments on HB 2234

**To:** Chair John Mizuno, Vice Chair Jo Jordan and Members of the House Committee on Human Services  
**From:** Katie Reardon Polidoro, Director of Government Relations & Public Affairs  
**Re:** Comments on HB 2234, Related to Minors

Planned Parenthood of Hawaii wishes to offer comments on HB 2234, limited to Sections 2 and 3, which propose to amend Hawaii Revised Statutes §350-1.

As a provider of sexual and reproductive health care to many of Hawaii's young people, PPHI is deeply concerned about the rate of child abuse and sexual exploitation of children, including trafficking and prostitution, that occurs in our state. As mandated reporters, we take HRS §350-1 seriously. Over the years we have sought legal counsel in developing our own policy based on the statute. That policy has been used as model for other Family Planning Providers in our state. Recently, we provided training to providers participating in the Hawaii Department of Health's Title X Family Planning Program on this subject.

### Crimes Against Minors By Non-Family Relations Are Already Reportable Under §HRS 350-1

Reports of harm done to minors by a person outside the family falls under the current statute. Parsing the statute, child abuse or neglect is defined as an "*act or omission*"<sup>1</sup> on the part of a parent, guardian, relation, or household member, which results in physical or psychological harm to a minor or the substantial risk of such harm. The statute goes on to state that "*the act or omissions are indicated for the purposes of reports by circumstances that include but are not limited to:*"<sup>2</sup> and goes on to list a number of injuries and crimes of which a minor might be a victim. The statute does not require that the perpetrator of the enumerated crimes be a parent or family member.

Put into context, PPHI most commonly reports on sexual abuse of minors. If a minor discloses sexual contact that meets the definition of sexual assault or sexual exploitation we are required to file a report under HRS §350-1, even when the perpetrator is not a family or household member. The rationale is that under the statute, the minor's victimization is indicative of child abuse or neglect under the statute. The "act or omission" occurs when a parent or guardian fails to protect a child from the harm or fails to act after the fact.

We assume that the intent of HB 2234 is to better address crimes against children; however, we do not think that it substantively changes the mandated reporting requirements under the existing law. The proposed change in language does not add any new obligation for reporters and the amount or types of crimes against minors, whoever commits them, would not change.

<sup>1</sup> Hawaii Revised Statutes §350-1 (1982)

<sup>2</sup> Id.

## **The Term of Art “Reasonable Suspicion” Needlessly Confuses Reporters**

PPHI is concerned about the effect of changing the current language of “reason to believe” to “reasonable suspicion” in Section 3. Providers are familiar with the term “reason to believe” and have been using it for years. The term “reasonable suspicion” is a term of art describing the legal standard required before law enforcement officials perform some types of searches and arrests. Applying a “reasonable suspicion” standard would needlessly confuse mandated reporters, many of whom are not attorneys or law enforcement. Such confusion may inhibit reporting.

Thank you for considering these comments regarding HB 2234.



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46-063 Emepele Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

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## TESTIMONY FOR HOUSE BILL 2234, RELATING TO MINORS

House Committee on Human Services

Hon. John Mizuno, Chair

Hon. Jo Jordan, Vice Chair

Monday, January 30, 2012, 8:30 AM

State Capitol, Conference Room 329

Honorable Chair Mizuno and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 150 local members. On behalf of our members, we offer this testimony in support, with proposed amendments for HB 2234, relating to minor victims of human trafficking.

Last year, lawmakers passed HB 141 and HB 240, the former of which outlawed labor trafficking in the islands and the latter of which strengthened existing anti-prostitution laws by expanding witness protection for victims and targeting repeat offenders, particularly pimps and johns. Both bills were important steps in rectifying Hawaii's poor image and record with regard to anti-trafficking statutes. Importantly, these new laws focus on demand for labor and sex trafficking, signaling our state's move toward combating those most responsible for trafficking violations—pimps, johns, owners and managers of prostitution houses, and traffickers themselves—while protecting those who are most vulnerable.

The IMUAlliance lauds the State Legislature's efforts, last session. At the same time, we call upon lawmakers to continue the fight against human trafficking by hearing and advancing bills that increase services afforded to victims, especially children. To that end, the IMUAlliance strongly supports the enactment of "safe harbors" legislation that increases funding for underage trafficking survivors, requires mandatory reporting of suspected trafficking or prostitution related abuses, extends the statute of limitations under the prostitution coercion liability act, and grants immunity for underage victims of sex crimes. That said, there are several amendments that we feel would improve the proposed measure.

First, given lawmakers' attempts to better account for and manage the state's nebulous special funds network, the IMUAlliance strongly encourages your committee to revise Section 1, §706- of this proposal to direct the disbursement of fines collected from the requested penalty provision into the Department of Health's Domestic Violence and Sexual Assault Special Fund

(DVSASF), rather than a newly created minor victims of prostitution special fund. Established under HRS §321-1.3, the DVSASF is used by DOH for “programs and grants or purchases of services consistent with chapter 42D that support or provide domestic violence and sexual assault intervention or prevention,” with fund monies being spent on new or existing programs in a manner that supplements any current funding such programs receive.

As you heard at a recent informational hearing on human trafficking issues, many of the concerns voiced by victims' advocates revolve around public awareness, education, and the provision of medical assistance to injured persons. In the past, the DVSASF has been used for all three. For example, this fund enabled the development of an infrastructure model to address sexual violence prevention at the UH-Mānoa Women's Center. The fund was also instrumental in providing resources for JBN Solutions to craft a comprehensive evaluation of the Sex Abuse Treatment Center sexual violence prevention curricula for K-12 teachers, as well as performance-based prevention education conducted by Honolulu Theater for Youth. Finally, DOH contracted the Hawaii State Coalition Against Domestic Violence, using DVSASF funds, to implement the department's Domestic Violence Strategic Plan.

To execute the requested change, we suggest replacing the current contents of Section 1 with the following language:

Section 1. Chapter 706, part III, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**§706- Minor Victims of Prostitution Monetary Assessment.** (1) In addition to any disposition authorized by chapter 706 or 853, any person who is:

(a) Convicted of an offense under part I of chapter 712 when the offense involves prostitution or promoting prostitution of a person less than eighteen years old; or

(b) Charged with an offense under part I of chapter 712 and 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;

shall be ordered to pay a monetary assessment not to exceed \$5,000.

Notwithstanding sections 706-640 and 706-641 and any other law to the contrary, the assessments provided by this section shall be in addition to and not in lieu of, and shall not be used to offset or reduce, any fine authorized or required by law.



(2) Appropriations by the legislature and all monetary assessments paid and interest accrued on funds collected pursuant to this section shall be deposited into the domestic violence and sexual assault special fund administered and expended by the department of health in accordance with HRS 321-1.3, and shall be used by the Department of Human Services to make grants to non-governmental organizations to provide services for victims encountered during the course of an investigation into any violation of HRS 712-1202(1)(a) or 712-1202(1)(b), provided such victims constitute persons whose prostitution was advanced by methods as defined by HRS 712-1202(1)(a) or 712-1202(1)(b).

(3) Probation fees imposed under part III of chapter 706 shall be paid before payment of the monetary assessment.

Relatedly, the IMUAlliance urges the committee to use this bill to amend HRS 321-1.3(d)(2), mandating the DVSAF annual report to the Legislature, to read: “Recommendations on how to improve services for victims of domestic violence, sexual assault, and human trafficking.”

Finally, we encourage the committee to maintain the bill's extension of the statute of limitations prescribed in HRS §663J-7 from two to six years, thereby bringing the statute of limitations for claims made under the prostitution coercion liability act into consonance with the statute of limitations contained in HRS §701-108(2)(b) for class A felonies, which includes continuous sexual assault of a minor as outlined in HRS §707-733.6. For clarity, the IMUAlliance believes frequently cited cases of coercion into prostitution by members of a victim's family of household, as well as the ongoing subjection of coerced persons into acts of prostitution over extended periods of time, necessitates statutory correspondence with laws criminalizing other *continuous* sex crimes, especially involving family or household members, such as the aforementioned HRS §707-733.6.

Again, the IMUAlliance thanks you for your hard work to stem human trafficking on our shores. Room for improvement remains, however, and we feel that the measure in question, with proposed amendments, will consecrate last year's momentum into a concerted movement. Mahalo for the opportunity to testify in support of HB 2234.

Sincerely,  
Kris Coffield  
*Legislative Director*  
IMUAlliance

# HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 702 Honolulu, Hawaii 96813

Phone: (808) 531-2198 Fax: (808) 534-1199

Web site: <http://www.hysn.org> E-mail: [info@hysn.org](mailto:info@hysn.org)

Daryl Selman, President

Judith F. Clark, Executive Director

Aloha House

American Civil Liberties Union of Hawaii

Assistive Technology Resource Ctrs. of HI  
Bay Clinic, Inc.

Big Brothers Big Sisters of Honolulu

Big Island Substance Abuse Council

Blueprint for Change

Bobby Benson Center

Catholic Charities Hawaii

Central Oahu Youth Services Assn.

Child and Family Service

Coalition for a Drug Free Hawaii

Domestic Violence Action Center

EPIC, Inc.

Family Support Hawaii

Friends of the Missing Child Center of HI

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Behavioral Health

Hawaii Student Television

Healthy Mothers Healthy Babies Coalition

Hina Mauka Teen Care

Hui Malama Learning Center

Kahi Mohala Behavioral Health

Kama'aina Kids, Inc.

KEY (Kualoa-Heeia Ecumenical Youth)  
Project

Kids Behavioral Health

Kids Hurt Too

Kokua Kalihī Valley

Kula No Na Poe Hawaii

Lanai Community Health Center

Life Foundation

Marimed Foundation

The Maui Farm, Inc.

Maui Youth and Family Services

Palama Settlement

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

Planned Parenthood of Hawaii

Queen Liliuokalani Children's Center  
Kona Unit

REAL

Salvation Army Family Intervention Svcs.

Salvation Army Family Treatment Svcs.

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

The Children's Alliance of Hawaii

Waikiki Health Center

Women Helping Women

YouthVision

YWCA of Kauai

January 26, 2012

To: Representative John Mizuno, Chair  
And members of the Committee on Human Services

## TESTIMONY IN OPPOSITION TO HB2234 RELATING TO MINORS

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, opposes HB2234 Relating to Minors.

This bill expands the statute on child abuse and neglect reporting to include any suspicion of abuse or neglect of a minor by an adult.

If this bill is passed, minor victims of sexual abuse or assault will lose the right to confidential medical care, counseling and victim support services. This is likely to deter victims from seeking assistance.

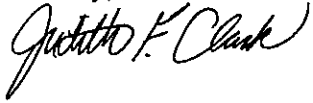
Similarly, persons engaged in sex work will be less likely to be tested for HIV or other sexually transmitted infections, which would increase the spread of HIV/AIDS and other sexually transmitted infections, a serious public health hazard. Every state in the U.S. allows minors to consent for care related to STIs because of the serious health risks to the individual and dangers to the community when not treated.

It would impede the work of street outreach workers who work with runaway and homeless youth and those who conduct HIV prevention outreach, because youth will not build relationships with workers or accept help to leave the streets if they know that they will be reported for engaging in survival sex in order to obtain food, a safe place to sleep or other things they need. Street outreach workers in Hawaii work with more than 700 runaway, homeless, and street youth annually, increasing their safety while on the street, reuniting them with their families, or helping them find other safe and appropriate living situations.

The portion of the bill that addresses reporting of child abuse and neglect will have unintended negative consequences and should die in committee.

Thank you for this opportunity to testify and for your thoughtful consideration of the negative impacts of this bill.

Sincerely,

A handwritten signature in black ink that reads "Judith F. Clark". The signature is written in a cursive style with a large, sweeping initial 'J'.

Judith F. Clark  
Executive Director

**From:** Ken Franzblau [mailto:kfranzblau@equalitynow.org]  
**Sent:** Friday, January 27, 2012 9:07 AM  
**To:** HUSstimony  
**Subject:** H.B. 2234

Attached please find a memorandum in support of H. B. 2234 scheduled for hearing On January 30, 2012 at 8:30 AM in room 329

Thank You,  
Kenneth J. Franzblau

January 27, 2012

EQUALITY NOW

MEMORANDUM IN SUPPORT OF H.B. 2234

Committee: House of Representatives Committee on Human Services

Hearing Date: January 30, 2012 (8:30 a.m.), Conference Room 329

Honorable Chair Mizuno and Committee Members:

Equality Now is an international human rights organization that works to protect and promote the rights of women and girls throughout the world. Among issues of concern to Equality Now are human trafficking, which disproportionately affects women and girls, sex tourism and other practices that promote the commercial sexual exploitation of women and girls. In the past we have worked with our partners at the Pacific Alliance to Stop Slavery on Hawaii's sex tourism law and last year's bills, H.B. 141 and H.B. 240, which outlawed labor trafficking and strengthened existing anti-prostitution laws respectively.

Equality Now endorses the 4 P's approach to combat human trafficking; prevention, protection, prosecution and promoting partnerships. The passage of H.B. 240 represented a significant step toward easing the prosecution of the johns that create the demand for sex trafficking and the pimps that traffic women and girls to satisfy that demand. The package of bills submitted this year; H.B. 2234, H.B. 2235, H.B. 1994, H.B. 1995, H.B. 2233 and S.B. 2122 if passed will provide the prevention, protection and partnership assistance to effectively combat sex trafficking and will make Hawaii a national model in this regard.

Equality Now strongly supports HB 2234. This "Safe Harbor" bill will increase protection to victims of sex trafficking, especially minors, by creating a minor victims of prostitution fund which will require \$5,000 monetary assessments against those convicted of prostituting individuals less than 18 years of age and of those who patronize them. This assessment will also be required of any individual accused of pimping or patronizing a minor even when the pimp or patron has been granted a deferred acceptance of guilty or no contest plea. These assessments will be used to provide treatment and services to minor victims of prostitution. Thus, the cost of such services will justly fall on the pimps and Johns responsible for the damages suffered by their victims.

H.B. 2234 also amends the definition of child abuse or neglect to include acts or omissions of any legal person or entity and requires mandatory reporting when there exists reasonable suspicion of child abuse or neglect. These amendments will not only increase reported incidents of suspected trafficking but all cases of child abuse and neglect. The discovery of, and therefore the ability to provide services to, minor victims of trafficking, will significantly improve the ability to protect them from threats and retaliation by their traffickers.

Of critical importance to the protection of minor victims of sex trafficking are the provisions of H.B. 2234 that amend Hawaii Revised Statutes §712-1200, §712-1207 and §712-1209. These amendments provide that an individual less than 18 years of age charged with a prostitution offense shall be immune from prosecution and shall be subject to the child protective provisions of Chapter 587A. These amendments recognize that minor victims of sex trafficking cannot

form the necessary intent to commit the crime of prostitution. It also recognizes that even when trafficking is not present minors in prostitution are almost invariably victims of other abuses or situations that prevent them from making an informed choice about the dangerous activity of prostitution. These include sexual and physical abuse, homelessness, substance abuse and lack of education or job skills.

The amendments to HRS §712-1200, §712-1207 and §712-1209 will prevent children from being saddled with a criminal conviction which currently serves to further reduce their options for legitimate employment, social service programs and resuming their education. These three amendments recognize minors in prostitution as the victims that they are and place them on a road to recovery as opposed to a return to further abuse. These three amendments represent sound legal and moral judgments about children in prostitution and Equality Now enthusiastically urges their passage. Also, protected victims of trafficking, especially minors, are better prepared to assist in the prosecution of their traffickers than those without protections like those contained in H.B. 2234.

Finally, in regard to H.B. 2234, Equality Now strongly supports extending the statute of limitations for actions pursuant to HRS §663J-7 from two years to six years. This will bring the statute of limitations under the Prostitution Coercion Liability Act into consonance with the statute of limitations contained in HRS §701-108(2)(b). The extension of this statute of limitation recognizes that the recovery period for sex trafficking victims often exceed two years and that minor

victims of sex trafficking especially are unlikely to be aware of their legal rights against their traffickers.

H.B. 2234 provides necessary protections for sex trafficking victims and is necessary for a holistic and effective response to sex trafficking. Equality Now strongly urges that you pass this bill.



# TAHIRIH ASSOCIATION

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January 25, 2012

## TESTIMONY IN STRONG SUPPORT OF HB 2234, Relating to Prostitution

Hearing Date: January 30, 2012 (8:30 a.m.), conference room 329

Committee: House Committee Human Services, Rep. John M. Mizuno, Chair

Honorable Chair Mizuno and Committee Members:

As founder of the Tahirih Association ([www.TahirihAssociation.org](http://www.TahirihAssociation.org)), a not-for-profit 501(c)3 membership organization that empowers girls and women around the world, we have awarded 22 scholarships to recipients located in six countries in the last ten years. Due to the sex trafficking situation that currently exists in Hawaii, the Tahirih Association recognizes the need to initiate additional programs specifically designated to assist the education of young women escaping sex work on the streets of Honolulu. Therefore, I have extended our *Teach A Girl, Change the World Scholarship Program* to assist any girl or woman rescued from Hawaii's sex enslavement by the PASS public charity.

We are very proud that last year the State of Hawaii established laws that now protect the human rights of its citizens, residents, visitors, and victims from sex and labor trafficking (HB 141 and HB 240). Both bills were important steps in rectifying Hawaii's poor record and worse reputation with regard to anti-trafficking statutes. Significantly, these laws focus on demand for labor and sex trafficking, signaling our state's move toward combating those most responsible for trafficking violations by pimps, johns, owners and managers of prostitution houses, and traffickers themselves, while protecting those who are most vulnerable.

Hawaii's State Legislature deserves kudos for all of its efforts, however lawmakers must continue their battle against human trafficking by passing bills that increase services to victims. On behalf of our members, the Tahirih Association offers this testimony in support, with proposed amendments for HB 2234, relating to prostitution. We strongly support the enactment of "vacating convictions" legislation authorizing a person convicted of committing the offense of prostitution to file a motion vacating an adverse judgment. Disclosure of criminal convictions, including misdemeanor convictions, is often required for employment and housing applications. Since victims of sex trafficking and coerced prostitution are acting against their will, they should not be held accountable for their actions in a manner that could prevent the obtainment of stable residency or entry into and matriculation through the workforce, both of which are required for successful recovery from involuntary sexual servitude.

Please consider amending the proposed measure to improve its intent. Section 2, §712- (a) of the bill, as drafted, currently applies vacation of judgment to persons convicted of a violation of prostitution in the second degree, under HRS §712-1203. In principle, this could broaden the scope of the bill to include voluntary, independent sex workers. To keep the scope of the bill narrowly focused on those forced or coerced into committing involuntary acts of prostitution, we encourage your committee to revise this section to read: "Promoting prostitution in the first degree under section 712-1202 or promoting prostitution in the second degree under section 712-1203."

Mahalo for the opportunity to testify in support of HB 2234.

Tadia Rice  
Executive Director

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]  
Sent: Friday, January 27, 2012 4:32 PM  
To: HUS testimony  
Cc: adrianar@kapiolani.org  
Subject: Testimony for HB2234 on 1/30/2012 8:30:00 AM

Testimony for HUS 1/30/2012 8:30:00 AM HB2234

Conference room: 329  
Testifier position: Comments Only  
Testifier will be present: No  
Submitted by: Adriana Ramelli  
Organization: The Sex Abuse Treatment Center  
E-mail: adrianar@kapiolani.org  
Submitted on: 1/27/2012

Comments:

**From:** Minda Goodman [mailto:mindag@hawaii.edu]  
**Sent:** Thursday, January 26, 2012 9:43 AM  
**To:** HUS testimony  
**Subject:** testing

Aloha Kakou,

Please consider these two HB's they have been researched and will make a positive difference for our community.

Mahalo,  
Minda Goodman

**HB2234 - Safe Harbor (more protections for Child Victims of Sex-Trafficking)**

Description: Establishes the minor victims of prostitution special fund. Amends the definition of child abuse or neglect to include acts or omissions of any person or legal entity. Requires mandatory reporting when there is reasonable suspicion of child abuse or neglect. Requires law enforcement to immediately report incidents of child prostitution to DHS. Grants the family court exclusive jurisdiction over any person under eighteen who is charged with an offense of prostitution. Amends the statute of limitations under the prostitution coercion liability act. Establishes 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. Establishes a two-year victim services pilot program to address the needs of minor victims of prostitution.

[http://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=HB&billnumber=2234](http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=2234)

**HB2235 - Vacating Convictions (allows victims of sex trafficking to be able to petition the court to remove any prostitution arrests/convictions from their record)**

Description: Authorizes a person convicted of committing the offense of prostitution to file a motion to vacate the judgment under certain circumstances; establishes procedures for the motion to vacate.

[http://www.capitol.hawaii.gov/measure\\_indiv.aspx?billtype=HB&billnumber=2235](http://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=2235)

Testimony for HUS 1/30/2012 8:30:00 AM HB2234

Conference room: 329  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Jedidiah White  
Organization: Individual  
E-mail: [white.jedidiah@gmail.com](mailto:white.jedidiah@gmail.com)  
Submitted on: 1/27/2012

Comments:

I strongly support this bill. Sex trafficking has become a very serious problem and ingrained in our culture. The porn industry has been heavily involved in this and is making pornography out of these victims, to mention among many other kinds of horrible abuse.

Testimony for HUS 1/30/2012 8:30:00 AM HB2234

Conference room: 329  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Jedidiah White  
Organization: Individual  
E-mail: [white.jedidiah@gmail.com](mailto:white.jedidiah@gmail.com)  
Submitted on: 1/27/2012

Comments:

Every action possible needs to be taken to stop sex trafficking. It is extremely abusive and very evil. I cannot imagine the damaging affects it has on its victims. I still wonder why this issue is not addressed more seriously. I strongly support any legislation that will stop or make this crime more difficult to commit.

**Shanna-Lei K. Giles / Parent of Victim**

**Committee on Human Services**

Rep. John M. Mizuno, Chair

Rep. Jo Jordan, Vice Chair

Rep. Della Au Belatti

Rep. Jessica Wooley

Rep. Faye P. Hanohano

Rep. Ryan I. Yamane

Rep. Chris Lee

Rep. Corinne W.L. Ching

Rep. Dee Morikawa

Rep. Kymberly Marcos Pine

**NOTICE OF HEARING**

DATE: Monday, January 30, 2012

TIME: 0830

PLACE: Conference Room 329

State Capital

415 south Beretania Street

**Measure Number: HP 2234**

I am the mother of a minor human trafficking victim. Thru accounts told to me by my child, I learned that her nightmare began with a night out with a family member and turned into a four months of abuse, rape and slavery in prostitution.

My daughter was recruited by someone very close to her and her "pimp" not only used physical force to break her into submission but also used personal info gained by this person and threatened to kill anyone close to my child should she run. My daughter at the age of 16 walked the streets of Waikiki, prostituting, right under the nose of HPD. In fact she was arrested once, at 1 a.m. on a week night, but, for being a runaway and not once was her street life addressed, questioned or even made a concern. When they were unable to contact us, she was placed in a home and she ran away within the hour. The entirety of her absence from our home was four months. Four months of believing she was a runaway. Four months of frustrations. Four months of fear. Four months of sadness. Four months of heartache. But, worst or maybe best, was the four months of ignorance.

One night, around 12 a.m. we received the call we had waited months for...the police had "found" my child and physically had her in their custody. When we picked her up, I barely recognized my daughter. Her expression was blank, reactions minimal and she was not under the influence of drugs, she was just...numb. She even went so far as to ask us to let her out of the car less than a block away from the Waikiki substation! I didn't understand, I couldn't understand. Why?!

In the months that followed, she went to treatment facilities and became residential in each. In the first facility, she never mentioned her time away or the horrors she experienced and to be quite honest they never really did much in the way of helping her. This facility over six weeks of residential and four weeks of partial cost upwards of \$50,000. One evening, my child overdosed on OTC meds and we took her to the E.R., from there she was placed in another residential facility, where her true healing process began.

While at the 2nd facility my child was blessed with being put in contact with Kathryn Xian of Pacific Alliance to Stop Slavery (P.A.S.S). Not only did she help my child understand that this was not her fault, she connected her with people who actually could help my child work thru all of her emotions, she found strength in expression thru writing and positive encouragement. She was introduced to authorities who have started the process of bringing those involved in her kidnapping to justice. She continues to actively work with P.A.S.S. and has found her passion in not only helping others who have been in her situation but educating and preventing it from happening to other young women. She has given testimony at the Capital, worked with Kathryn in educating Oahu EMT's, has been offered more opportunities to train others and is currently in a rigorous program working toward her goal of graduating.

I am not sure of happy endings, but I will say this: all of her current progress would not have been made possible without those who have been place in her life. We as parents were completely oblivious and ignorant to the fact that human trafficking/ sex-slavery could happen to our child. As a parent you believe you have taught about strangers and the safety of the police and to always tell if someone hurts them, but, how do you fight the monster you don't see lurking in plain sight? The one that locks your child in a house and beats, rapes and threatens her till she is so fearful, that selling her body is something she has to do just to avoid more or worse beatings and the grown men who prey and look for these young women to fulfill their sick needs.

**EDUCATE! PLEASE!!** Open the eyes of our children, educators, law enforcement, medical field and give them power to do something to help these young children. It is OUR responsibility to protect them, but yours to enact or pass the bills for it. I truly pray that if all our

efforts and even the horrible things that happened to my daughter can change the outcome of one little girl out there, then it will be worth it because then I know, that no matter how small, change was made.

## TESTIMONY

**COMMITTEE ON HUMAN SERVICES  
HOUSE OF REPRESENTATIVES  
THE TWENTY-SIXTH LEGISLATURE  
REGULAR SESSION OF 2012**

**MEASURE:** **HB2234 (Minors; Prostitution; Family Court; Penal Code; Special Fund; Victim Services Pilot Program).**  
**HEARING DATE:** Monday, January 30, 2012  
**TIME:** 8:30am  
**PLACE:** Conference Room 329  
State Capitol  
415 South Beretania Street

Aloha...

I have recently become aware of our labor and sex trafficking issues in Hawaii.

First, I want to commend you for passing the bills related to human trafficking (HB240 CD1 -Promoting Prostitution Law Reform Related to Sex-Trafficking, and HB141 - Labor-Trafficking) during the 2011 session.

Sex trafficking and sexual exploitation of children and minors is particularly troubling to me, as I have recurring memories of the tragedy in South Korea where "mamasans" would entice young girls into prostitution. The recruited girls would then entice their friends to join them by saying that they can get them a great job on the air force/army base at the exchanges, NCO clubs, etc. Once they arrived, they had no money to return home. Girls who "worked" to earn money to pay off mamasan were often too ashamed to go home.

There were mothers on the streets grabbing the arms of military men and offering their young daughters to perform oral sex for \$5. "Hey, GI. My daughter beautiful. She give you good b--- j--. Only \$5."

And last, but not least, there were children maimed for trafficking in begging.

In Hawaii, these things happen to our children out of sight. Sadly, "out of sight, out of mind".

We desperately need to take BOLD steps to protect our children and to deter rapidly expanding crime. I implore you to take another BOLD step by **PASSING HB2234** (Minors; Prostitution; Family Court; Penal Code; Special Fund; Victim Services Pilot Program).

As Nancy Pelosi would say, "Do it for the children."

Sincerely,  
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