



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 **HB2235 WITH AMENDMENTS** - RELATING TO  
PROSTITUTION

---

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.

PASS is in strong support of HB2235, which will allow survivors who have been intimidated, forced, or defrauded into prostitution to file motions to petition the court to vacate convictions of prostitution offenses suffered while in servitude under their pimp/traffickers. Passing this bill into law is simply the right thing to do.

Victims of sex-trafficking, when rehabilitated and ready to enter back into society, face serious repercussions, societal bias, shame, sexual harassment and other debilitating factors when having to divulge prostitution on their records when they were held in sexual slavery against their will. They are the victims not the criminals.



The PACIFIC ALLIANCE  
to STOP SLAVERY

We urge you to support this much needed legislation and recommend the following amendment on page 2, 712- \_\_, (1)(a) to read as follows:

“Promoting prostitution in the first degree under section 712-1202 ~~or promoting prostitution in the second degree under section 712-1203.~~”

Thank you very much for hearing this measure.

Sincerely,

Kathryn Xian  
Executive Director  
Pacific Alliance to Stop Slavery



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

---

## TESTIMONY FOR HOUSE BILL 2235, RELATING TO PROSTITUTION

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 IMU Alliance, 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 2235, relating to prostitution.

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 IMU Alliance 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. To that end, the IMU Alliance strongly supports the enactment of "vacating convictions" legislation authorizing a person convicted of committing the offense of prostitution to file a motion vacating an adverse judgement. 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—effectively, in a condition of slavery—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.

That said, we feel that the following amendment would improve the proposed measure. Section 2, §712- (a) of the bill, as drafted, currently applies vacation of judgement 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.~~"

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 a minor amendment, will consecrate last year's momentum into a concerted movement. Mahalo for the opportunity to testify in support of HB 2235.

Sincerely,  
Kris Coffield  
*Legislative Director*  
IMUAlliance

**From:** Ken Franzblau [mailto:kfranzblau@equalitynow.org]

**Sent:** Friday, January 27, 2012 9:10 AM

**To:** HUS testimony

**Subject:** H.B. 2235

Dear Sir or Madam:

Attached please find a memorandum in Support of H.B. 2235 scheduled for hearing January 30, 2012 at 8:30 AM in room 329.

Sincerely,

Kenneth J. Franzblau

January 27, 2012

EQUALITY NOW

MEMORANDUM IN SUPPORT OF H.B. 2235

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 H.B. 2235. This "Vacating Convictions" bill will permit a person convicted of committing prostitution related offenses under HRS §712-1206 or §712-1207 to file a motion to vacate the conviction if the individuals participation in the offense was the result of her being a victim of sex trafficking as provided for under Hawaii or Federal law. The relief provided by HB 2235 would also be available to individuals convicted of a lesser offense when originally charged with a violation of either HRS §712-1200, §712-1206 or §712-1207. H.B. 2235 recognizes the reality that many women in prostitution are there as a result of force, fraud or coercion. Others are less than 18 years of age. No person in prostitution under any of these circumstances can freely decide to choose to participate in a commercial sex act. As such they lack the ability to form the necessary intent to commit the prostitution crimes for which they are often convicted.

The ability of a sex trafficking victim to free herself from that situation is often hampered by prostitution convictions obtained when she was under the control of a pimp. These criminal convictions can make a trafficking victim ineligible for public housing, education loans, many forms of employment or subject them to deportation if not U.S. citizens. Without the ability to obtain housing, to find a job or to enhance their education it is likely that a sex trafficking victim will remain under the influence of her pimp or at least remain subject to his threats and false promises. As such, she is also unlikely to be able to assist in the prosecution of her traffickers.

It must also be noted that many prostitution convictions are the result of plea bargains where the accused's attorney was provided by her trafficker. These attorneys represent the interest of the traffickers who pay them and they regard the traffickers, not their victims, as their client. Their goal when representing a trafficking victim in a prostitution case is to get her released and back into prostitution as soon as possible. Their counsel is ineffective, their legal ethics are conflicted and the trafficking victim is victimized again.

Equality Now strongly supports H.B. 2235 and urges that it be passed.



# TAHIRIH ASSOCIATION

322 Aolua Street, Suite 601  
Kailua, HI 96734  
Phone (808) 262-6533

www.TahirihAssociation.org  
info@TahirihAssociation.org

8306 Wilshire Blvd., Suite 70  
Beverly Hills, CA 90211  
Phone (323) 935-5090



January 25, 2012

## TESTIMONY IN STRONG SUPPORT OF HB 2235, 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 2235, 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 2235.

Tadia Rice  
Executive Director

**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

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

**MEASURE:** HB2235 (Related to prostitution)  
**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 serious and increasing 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.

I am writing to **testify in support of HB2235**, which relates to prostitution and authorizes a person convicted of committing the offense of prostitution to file a motion to vacate the judgment under certain circumstances, and establishes procedures for the motion to vacate.

Data, and testimonies like those given in the January 9, 2012 special hearing on this series of human trafficking bills indicate that an overwhelming number of girls and women prostitute under threat, force, and coercion. Economics indicate that without demand, there would be no supply. Hence, it is essential that we prosecute the traffickers and "johns", not the girls and women who are involuntarily working as prostitutes.

Criminal records for prostitution gravely reduce the likelihood of sex trafficking survivors to transition into "real life" relationships, education, and employment.

Give these girls and women, these *survivors*, the help they need by **PASSING HB2235**.

Sincerely,

Tana-Lee Rebhan-Kang

PO Box 175, Aiea, HI 96701

Phone: 808-227-6065

**People say prostitution will never end...**  
***DON'T BUY IT!!***