



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OFFICE OF COMMUNITY SERVICES
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February 9, 2011

To: The Honorable John Mizuno, Chair
House Committee on Human Services

Date: Thursday, February 10
Time: 9:00 a.m.
Place: Conference Room 329, State Capitol

From: Mila Kahaanui, Executive Director
Office of Community Services
Department of Labor and Industrial Relations

TESTIMONY IN SUPPORT OF INTENT

Re: H.B. 497- Relating to Sexual Offenses

Good Morning Chair Mizuno, Vice Chair Jordan, and committee members. My name is En Young, Legislative Liaison here with Lola Salimova, State Refugee Coordinator, both of the Office of Community Services (OCS), an agency administratively attached to the Department of Labor and Industrial Relations (DLIR). We appreciate this opportunity to testify in support of this measure.

The Office of Community Services is charged, in part under HRS 371-K-1, to "improve the delivery of services to disadvantaged persons, refugees, and immigrants." Additionally, under HRS 371-K-3, OCS is charged to "Assess the policies and practices of public and private agencies impact on the disadvantaged and conduct advocacy efforts on behalf of the disadvantaged, refugees, and immigrants."

This bill will impact two of our mandated demographics, immigrants and refugees. Immigrants are afforded a specific legal status by the Federal government if entry to the country was attained through legal means. Refugees are also classed by the Federal government, and the Office of

Community Services assists in identification of possible applicants as well as the necessary paperwork.

We will defer to the Attorney General's office and the respective County enforcement agencies to comment on the ramifications of implementing, enforcing, and adjudicating such programs. However, OCS would like to make two comments regarding effects on the populations to be protected.

- 1) On page 3, Section 2, Prostitution is removed from the list of second degree offenses under 707-C and added to be a petty misdemeanor. Although this will benefit the targeted population somewhat by making the offense less serious and thus make the populace more accessible for treatment without stigma, prostitutes in many instances are also victims. Even highly trained law enforcement officers will not, at first glance, be able to distinguish "willing" prostitutes from "coerced" prostitutes from "sexual trafficking victims." We believe this may result in a "bottom-up" approach which will punish all prostitutes first, no matter their state-of-mind, to gain access to perpetrators of more severe offenses.
- 2) There contains an exemption for the police officers and other public law enforcement officers acting "in the course of duty." Although we agree in many instances open solicitation is a useful tool in determining intent and preventing sexual misconduct and offenses, we believe this should never include the performance of a sexual act by an officer. With all due respect, anecdotally police officers have been reported as perpetrators of the offenses, given their powerful position over the alleged prostitutes. Although we have no specific clarifying language, we believe this exemption should occur for all activities under 712-1200 subsection 1 and 2 except engaging in a sexual act itself. We defer to the respective law enforcement agencies to comment on whether or not this will detract from enforcement efforts.

OCS continues to be involved with the clients after the adjudication process, and would appreciate a mechanism to coordinate between the respective District and Circuit courts to refer affected victims to appropriate services. We are also actively seeking grants through such agencies as the Federal Office of Refugee Resettlement and the United States Citizenship and Immigration Services to provide quality integration for these victims.

Thank you for the opportunity to testify.



Email to: HUStestimony@Capitol.hawaii.gov
Hearing on: Thursday, February 10, 2011 @ 9:00 a.m.
Conference Room # 329

DATE: February 7, 2011
TO: House Committee Human Services
Representative John Mizuno, Chair
Representative Jo Jordon, Vice Chair
FROM: Allen Cardines, Jr., Executive Director
RE: Strong Support for HB 497 Relating to Sexual Offenses

Honorable Chairs and members of the House Committee on Human Services, I am Allen Cardines, representing the Hawaii Family Forum. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations. We strongly support passage of HB 497.

It is estimated by the U.S. State Department that as many as 17,500 human beings each year are trafficked into the United States to work in the sex trade or as slave labor. Women and children have been forced to work in prostitution and child pornography rings, while men, women, and children have been forced into different types of manual labor, without pay or protection. As an organization that cares about the ohana, we find this both apprehensible and unacceptable.

Victims of human trafficking are commonly linked by poverty and lack of opportunity. Often they seek to escape their impoverished life with the hope of finding opportunity and a brighter future in Hawaii. It is in these types of environments that human traffickers flourish, promising unsuspecting victims an opportunity to travel, at no immediate expense, for employment and housing. When they reach Hawaii, they find coercion, abuse, entrapment, and exploitation in a brothel, a massage parlor, or an agricultural outpost. By the time they are rescued, if ever, they are shattered by physical, mental, and psychological abuse. Many become ill and some have even lost their lives.

Hawaii Family Forum has placed the elimination of trafficking as an important priority in the areas of public advocacy and education both to the wider community and to trafficking victims. Let me add that faith-based organizations are uniquely positioned to identify and provide assistance to victims of human trafficking.

First, faith-based organizations act from a theological and philosophical perspective. Commitment to these principles gives the issue of human trafficking a sense of urgency to many faiths and religious communities.

Second, most faith-based organizations have networks that enhance their capacity to give voice and volume to the cry for justice. They have access to a cross-section of agencies which offer an expertise that expands the possibilities for outreach and service, an asset not to be underestimated.

Finally, faith-based organizations have resources which can assist in the fight against human trafficking. Organizations like Catholic Charities Hawaii, Pacific Alliance to Stop Slavery and others. While we see the effort as a partnership with the government and the faith-based community, please know that those of us in the faith-based community will be performing this work regardless, particularly because of the moral gravity of the issue and the ongoing suffering of its victims.

Please pass this measure. Mahalo!

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HAWAII CATHOLIC CONFERENCE

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Email to: HUSTestimony@Capitol.hawaii.gov
Hearing on: Thursday, February 10, 2011 @ 9:00 a.m.
Conference Room # 329

DATE: February 8, 2011

TO: House Committee on Human Services
Representative John Mizuno, Chair
Representative Jo Jordon, Vice Chair

FROM: Walter Yoshimitsu, Executive Director

RE: Strong Support for HB 497 Relating to Human Trafficking

Honorable Chairs and members of the House Committee on Human Services, I am Walter Yoshimitsu, **representing the Hawaii Catholic Conference**. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii, which under the leadership of Bishop Larry Silva, represents over 200,000 Catholics in Hawaii. We strongly support this bill that would strengthen the laws in Hawaii regarding human trafficking.

The Catholic Church has placed the elimination of trafficking as an important priority in the areas of public advocacy, public education, and services to trafficking victims. We have begun working to raise awareness within the Catholic community about the problem, including education to help people in the community identify and understand the problem of human trafficking.

Trafficking victims also need, first and foremost, safety and security. According to recent news stories, many are terrified of the traffickers who brought them to Hawaii. Providing them with a secure, safe, and nurturing environment is crucial to ensuring their return to society as contributing members. The Church and its service organizations, particularly Catholic Charities, does all that it can to provide support services to both adult and child victims of trafficking, including health and mental health services, employment assistance, English-language training, counseling, housing and other material assistance needs.

The themes of Catholic social teaching—the protection of human dignity and human rights; the option for the poor; the call to family and community; the rights of workers; solidarity and care for creation—all address evils inherent in human trafficking. These principles of justice are not unique to Catholicism but are manifest in most religions. Commitment to these principles gives the issue of human trafficking a sense of urgency to many faiths and religious communities. For this reason we strongly support passage of this measure.

Please support HB 497. Mahalo for the opportunity to testify.

SANDRA G. Y. YOUNG

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February 9, 2011

Representative John Mizuno, Chair
Representative Jo Jordon, Vice Chair
Members of the Committee on Human Services

Re: Strong Support for HB 497 (Sex Trafficking)
Committee on Human Services Hearing: Thursday, February 10, 2011 @ 9 a.m.

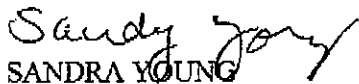
Dear Chair Mizuno, Vice Chair Jordon and Members of the Committee on Human Services:

Thank you for serving our community, and for your steadfast commitment to protecting women, the elderly and our children from exploitation and abuse.

I respectfully request that you pass HB 497 (Sex Trafficking). It is a comprehensive bill that protects our community from sex trafficking, sexual abuse, and prostitution. It will provide law enforcement with the mechanism to punish wrongdoers and prevent the exploitation of women, elderly and children. With criminal penalties, the bill will serve as a much-needed deterrence for this type of abusive and exploitative behavior, and protect the most vulnerable members of our society.

Again, we appreciate your hard work for our community, and wish you a productive legislative session. Please vote in favor of this bill, and a special mahalo to all of the co-sponsors of this much-needed legislation.

Very truly yours,


SANDRA YOUNG