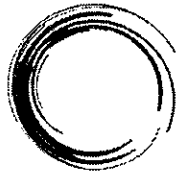


Sent: Thursday, February 10, 2011 9:07 AM
To: HUSTestimony
Cc: jdold@polarisproject.org
Subject: Testimony for HB497 on 2/10/2011 9:00:00 AM
Attachments: Hawaii Testimony in Support of HB497.docx; Proposed Amendments HB497.docx

Testimony for HUS 2/10/2011 9:00:00 AM HB497

Conference room: 329
Testifier position: support
Testifier will be present: No
Submitted by: James L. Dold, J.D.
Organization:
Address: 1832 Connecticut Avenue, N.W. Washington, D.C.
Phone: (202) 745-1001, ext. 132
E-mail: jdold@polarisproject.org
Submitted on: 2/10/2011

Comments:



POLARIS PROJECT
FOR A WORLD WITHOUT SLAVERY

**TESTIMONY IN SUPPORT OF HB497
PRESENTED TO THE HUMAN SERVICES COMMITTEE
FEBRUARY 10, 2011**

Mr. Chairman and members of the Human Services Committee; on behalf of the more than 15,000 supporters of Polaris Project, thank you for providing us with an opportunity to speak about the crime of human trafficking. My name is James Dold and I am Policy Counsel for the Polaris Project.

Polaris Project is a leading national organization dedicated to combating human trafficking within the United States by serving victims, raising public awareness, and engaging in policy advocacy at both the State and Federal level. We have been selected by the U.S. Department of Health and Human Services to be its training and technical assistance provider and have operated the National Human Trafficking Resource Center and Hotline since December 2007. During this time our human trafficking call specialists have fielded over 25,000 calls from across the nation. We have also provided victim services to more than 300 survivors of human trafficking since 2004 in our D.C. and New Jersey client service offices.

I would like to take a moment to specifically thank Representative Awana for introducing HB497. We greatly appreciate the Hawaii Legislature's concern for and willingness to address the crime of human trafficking, a grave violation of human rights.

Human trafficking is a crime that threatens not only the African children of Sudan, but also the children of America. It is a crime that not only affects teenage girls in Bangkok, but also teenage girls in Honolulu. Human trafficking is a monstrous crime, shrouded in secrecy, often unknown except to those who remain bound by invisible chains. It is one of the great injustices of our lifetime and will continue to threaten the freedom of our children, our neighbors, and our fellow brothers and sisters until it is eradicated completely.

Human Trafficking National and Global Perspective

Human trafficking is the modern-day slavery, and it is one of the fastest growing criminal industries in the world, consisting of the subjugation, recruitment, harboring, or transportation of people for the purpose of forced labor or services or commercial

sexual exploitation. Victims of human trafficking in the United States include children and adults, as well as foreign nationals and U.S. citizens.

The United States Government estimates that between 600,000 to 800,000 people are trafficked across international borders for forced labor and sexual servitude each year, 70 percent of whom are women and over 50 percent are children. This does not include those trafficked within their own countries, which is as high as 2 to 4 million persons. Of those trafficked across international borders, up to over 60,000 individuals at a minimum are trafficked into the United States each year. These numbers suggest that the actual figure for the scope of human trafficking is much higher. Experts also estimate that between 100,000 to 300,000 American children are at high risk of being trafficked within the United States for sexual exploitation each year. The State Department estimates that there are roughly 12.3 million slaves in the world today, more than at any other time in the history of the world. Another estimate, by renowned human trafficking expert Kevin Bales, puts the total number of people trapped in modern-day slavery at an estimated 27 million. Most victims suffer a horrific life in which they are repeatedly beaten, raped, starved, chained or locked up, and psychologically tortured. For many, the only way of leaving is by means of escape, rescue, suicide, or murder.

There have been trafficking investigations in all 50 States and incidence of trafficking have been reported in 91 U.S. cities. Human trafficking is a crime that thrives in secrecy and is fed by the insatiable greed of those who see human beings as a commodity to be profited off of. Globally, human trafficking generates over \$32 billion in annual revenue.

In the United States, the crime of human trafficking is so profitable that in recent years we have seen the emergence of organized criminal syndicates and street level gangs implicated in sex trafficking rings. I cannot impress upon members of the Human Services Committee enough, that human trafficking is alive and well in the United States and it affects every corner of our nation. It is also prevalent in Hawaii.

Human Trafficking in Hawaii

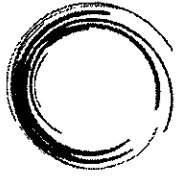
Every day we receive calls through the National Human Trafficking Resource Center referencing situations where women and young children are subjected to violence, coercion, and fraud in order for their pimps or traffickers to profit. While we do not know how many victims there are in Hawaii, we do know that the National Hotline has received calls referencing trafficking situations in cities throughout the state of Hawaii. Some of these calls were classified as tips that human trafficking was occurring in different cities, including Honolulu, Hilo, and Wakiki Beach.

Human trafficking is a scourge that preys on the most vulnerable among us and exploits those who are in need of protection. And while it may be easy at times to pretend that human trafficking is not a crime that affects every day Americans, I can tell you with absolute certainty that it does. It is a crime of absolute evil. But by taking action and enacting anti-human trafficking legislation you will provide law enforcement and prosecutors in Hawaii with the tools that are needed to combat it.

HB497 will bring Hawaii closer to eliminating sex trafficking by creating criminal provisions against this crime for the first time. This bill is also important because it provides victims of sex trafficking with protection and ensures that they will not be prosecuted for a crime relating to their victimization. This bill will begin to bring Hawaii's laws in line with the other 45 states that have enacted some form of anti-human trafficking law.

Support HB497

Therefore, I ask that the honorable members of the Human Services Committees act, with what Dr. King referred to as "the fierce urgency of now," by voting favorably upon HB497. If you should have any questions, please feel free to call me at (202) 745-1001, ext. 132. Mahalo.



POLARIS PROJECT

FOR A WORLD WITHOUT SLAVERY

Proposed Amendments

Polaris Project recommends using the following language in the criminal sections of HB497:

707-B Sex trafficking in the first degree. (1) A person commits the offense of sex trafficking in the first degree if:

(a) The person knowingly advances or profits from the commercial sexual conduct or sexually explicit performance of a person through the use of force, fraud, or coercion; or

(b) The person knowingly entices, recruits, harbors, provides, or transports a person who is less than eighteen years of age for the purpose of commercial sexual conduct or sexually explicit performance.

(2) Sex trafficking in the first degree is a class A felony.

707-C Sex trafficking in the second degree. (1) A person commits the offense of sex trafficking in the second degree if the person knowingly entices, recruits, solicits, harbors, transports, provides, obtains, or maintains, by any means, knowing that the person will be subject to a violation of 707-B(1)(a).

(2) Sex trafficking in the second degree is a class B felony.

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Wednesday, February 09, 2011 5:13 PM
To: HUSTestimony
Subject: HB497 to be heard Thursday, 02/10/11, at 9:00am in Room 329

**LATE
Testimony**

TO: Representative John Mizuno, Chair
Representative Jo Jordan, Vice Chair
Human Service Committee Members

FROM: Dara Carlin, M.A.
Domestic Violence Survivor Advocate
881 Akiu Place
Kailua, HI 96734

DATE: 02/10/11

RE: **Strong Support for HB497**

Good Morning Representatives and thank you for allowing me the opportunity to provide testimony in support of HB497.

I'm sure there are professionals such as Kathy Xian who are better able to inform you of the breadth and depth of this human rights atrocity, but let me just say in the years that I have worked in the social services capacity here in Hawaii that this is a very real problem. Hawaii is in a unique geographical location that is ideal for sex trafficking and I know from my mainland colleagues that this is a bigger industry than you'd want to know about.

Respectfully,

Dara Carlin, M.A.
Domestic Violence Survivor Advocate

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Wednesday, February 09, 2011 5:24 PM
To: HUS testimony
Subject: STRONG SUPPORT FOR HB497! 02/10/11 at 9:00AM

**LATE
Testimony**

Importance: High

TO: Representative John Mizuno, Chair

Representative Jo Jordan, Vice Chair

Members of the Committee on Human Services

FROM: Jonea Schillachi-Lavernge

6737 Puu Pilo Place

Kapaa, HI 96746

DATE: February 10, 2011

This is a very personal concern of mine and I would truly appreciate your strong support in passing this bill HB497 into law. This bill will help so many CHILDREN so I urge you to support its passage. Thank you.

From: Ann Freed [annfreed@hotmail.com]
Sent: Thursday, February 10, 2011 12:41 AM
To: HUSTestimony
Subject: Support the intent of HB 497 Sex trafficking

LATE Testimony

ATTN: COMMITTEE ON HUMAN SERVICES
Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair

SUPPORT the intent of HB 497 that establishes class A and class B felony sex trafficking offenses and includes sex trafficking offenses in the official proceedings or investigations that are to be given greatest priority for purposes of witness protection programs.

Aloha Chair Mizuno and Vice Chair Jordan,

I have been a long-time supporter of a revision of HRS to include comprehensive anti-sex trafficking. I am not convinced by the opponents of such legislation that the current bill does not fit well with our laws. That is what agencies and administrators say when confronted with the need for change. Nor I am convinced that such a law is unnecessary simply because current law enforcement leadership is being more aggressive in addressing this most violent of crimes. Leadership changes but statutes are more enduring.

Unfortunately, Hawai'i is one of five remaining states in America that has not passed a Human Trafficking State Law or laws effectively addressing Human Trafficking as a felony offense while protecting the victims. The states listed without human trafficking laws are: Hawai'i, Massachusetts, Wyoming, West Virginia and South Dakota.

The current situation in Hawai'i is deplorable. According to the Honolulu Police Department, in 2008, Honolulu alone saw 15 children as High Risk Victims for Human Trafficking PER MONTH or one child every other day. This does not account for children from out-of-state.

In my opinion the most important parts of this bill are first, the change in definition of "prostitute" to victim when the person in question is under the age of eighteen. Minors cannot consent to selling themselves for sex by definition.

Second, the provision for witness protection for victims and other witnesses to the crime.

Third, the provision that in any prosecution for prostitution, it is an affirmative defense that the defendant engaged in sexual conduct through force, fraud, or coercion.

Unfortunately this bill does not include provision for services to the victims. Nor does it address the current requirement of having two victims for sex trafficking in the 2nd degree. One trafficked victim should be all that is required to charge an offender of this heinous crime. In addition one victim/witness should suffice.

I sincerely hope that stakeholders can come to some kind of agreement as to how to proceed with comprehensive anti-sex trafficking legislation. The victims are crying out for our help. Let's put aside our differences and make it happen.

Ann S. Freed
Mililani, Hawai'i
808-623-5676