

NEIL ABERCROMBIE
GOVERNOR



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

March 15, 2012

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

The Honorable Karl Rhoads, Chair
House Committee on Labor & Public Employment

FROM: Patricia McManaman, Director

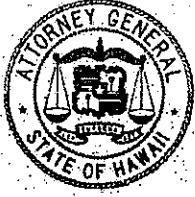
SUBJECT: **S.B. 2123, S.D. 2 - RELATING TO HUMAN TRAFFICKING**

Hearing: Thursday, March 15, 2012; 11:00 a.m.
Conference Room 329, State Capitol

PURPOSE: The purpose of this bill is to require the Department of the Attorney General to establish a working group to coordinate services for survivors of human trafficking in new and existing communities and requires the Department of the Attorney General to report on the activities of the working group to the Legislature.

DEPARTMENT'S POSITION: The Department of Human Services (DHS) defers to the Department of the Attorney General on this measure.

Thank you for the opportunity to provide this testimony.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2012**

ON THE FOLLOWING MEASURE:

S.B. NO. 2123, S.D. 2, RELATING TO HUMAN TRAFFICKING.

BEFORE THE:

HOUSE COMMITTEES ON HUMAN SERVICES AND ON
LABOR AND PUBLIC EMPLOYMENT

DATE: Thursday, March 15, 2012 **TIME:** 11:00 a.m.

LOCATION: State Capitol, Room 329

TESTIFIER(S): David M. Louie, Attorney General, or
Andrea J. Armitage, Deputy Attorney General

Chairs Mizuno and Rhoads and Members of the Committees:

The Department of the Attorney General (the "Department") provides the following comments on this bill, the purpose of which is to establish a working group that is to develop a comprehensive state plan to coordinate services for survivors of human trafficking.

While we support the intent of this bill, the bill directs the working group to create a state plan to coordinate services for survivors of human trafficking and requires the Department to oversee the working group and coordinate the development of the state plan. The Department, however, is not a department that actually provides social services to the public. Its main objective is to provide legal advice and legal representation to state agencies. The Department does not have the expertise or resources to create a plan for social or job training services for human trafficking survivors.

We respectfully suggest that another department or agency would be better suited to coordinate such services.



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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March 13, 2012

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

The Honorable Karl Rhoads, Chair
House Committee on Labor

Date: Thursday, March 15, 2012
Time: 11:00 a.m.
Place: Conference Room 329, State Capitol

From: Mila Kaahanui, MSW
Executive Director
Office of Community Services (OCS)

Testimony for Senate Bill 2123 SD2, Relating to Human Trafficking

I. OVERVIEW OF PROPOSED LEGISLATION

The present bill proposes the creation of a task force to address holistically the issues created by the human trafficking problem. This task force would consist of various agencies currently involved in the process of coordinating services, to be led by the Office of the Attorney General.

The Office of Community Services supports this bill, with a few comments.

II. CURRENT LAW

Under current law, OCS is mandated to serve the "disadvantaged, refugee, and immigrant" populations. This mandate does not prohibit OCS from serving any population under the umbrella of "disadvantaged," including survivors of human trafficking. This umbrella also allows some flexibility to analyze current socioeconomic and political conditions to make any such determination. OCS currently receives Federal funding from the Office of Refugee Resettlement to service human trafficking victims as certified by Federal Law. OCS also is mandated to serve a coordinating function between governmental agencies to improve efficiency

of such services.

III. COMMENTS ON SENATE BILL

Given our previous testimony on the measure, we will confine our comments to the most recent version of the bill.

OCS believes this measure is meant to alleviate certain conditions arising from the service gap caused by the loss of the grant previously provided to Hawaii specifically for Human Trafficking survivors. We believe this bill also arose as a way to define leadership for the community of government agencies and service providers who furnish services for this clientele.

With this in mind, the best course of action may be to fund the services the Legislature wishes to see implemented in the community. With the Task Force's current scope of duties, a report and action steps would not be received by the Legislature until 2014. Directing funding to an agency would supply the means to provide services, as well as create a procurement where details of the program could be discussed with the public and incorporated into any Request for Proposals that would result.

OCS has developed a Refugee plan, the Office of the Attorney General has put together a service plan and RFP for Domestic Violence, the Honolulu Police Department has enforcement plans for specific violations, and the Hawaii Coalition against Human Trafficking (HCAHT) has protocols to coordinate these services. Herein are the elements to any Human Trafficking service plan as the Task Force suggests. We believe the true issue here is the lack of funding for specific types of services previously provided by the lost grant. Funding these services, through any agency, is the real key to replacing those services.

Additionally, the funding agency would assume a natural leadership role once they are given the authority to expend funds for this specific purpose.

Thank you for the opportunity to testify.



THE PACIFIC ALLIANCE
TO STOP SLAVERY

DATE: March 12, 2012

ATTN: COMMITTEE ON HUMAN SERVICES AND
COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

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

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Karl Rhoads, Chair
Rep. Kyle T. Yamashita, Vice Chair
Rep. Henry J.C. Aquino
Rep. Scott K. Saiki
Rep. Ty Cullen
Rep. Joseph M. Souki
Rep. Linda Ichiyama
Rep. Roy M. Takumi
Rep. Marilyn B. Lee
Rep. George R. Fontaine
Rep. Sylvia Luke
Rep. Aaron Ling Johanson

DATE: Thursday, March 15, 2012

TIME: 11:00am

PLACE: Conference Room 329, State Capitol, 415 South Beretania Street

RE: **TESTIMONY IN SUPPORT OF SB2123 SD2 WITH AMENDMENTS Relating to
Human Trafficking**



THE PACIFIC ALLIANCE
TO STOP SLAVERY

Dear Committees on Human Services and on Labor & Public Employment:

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 one of Hawaii's few services that helps to heal survivors of human trafficking. We attest that there is no sufficient and functional state protocol, specific to the needs of survivors of this crime, when law enforcement or a state/city agency first responds to human trafficking victims.

As a result, survivors fall through the cracks or are re-victimized and criminalized as either "prostitutes" if they are sex trafficked victims or "illegal immigrants" if they are labor trafficked victims. This kind of misidentification must stop and Hawaii must accurately and effectively address the handling of human trafficking survivors.

We highly recommend the following amendments to be made in SB2123 SD2:

SECTION _____. Chapter 371, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§371- National Human Trafficking Resource Center hotline; posting requirement; penalty. (a) An establishment, as defined in this section, shall post in a conspicuous place near the entrance to, or other area where posters and notices are customarily posted on the premises of the establishment, a poster of no smaller than eight and one-half inches by eleven inches in size that states the following:

"If you or someone you know is being forced to engage in activity – such as commercial sex, housework, farm work, or any other similar activity - and cannot leave, call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services.

Victims of human trafficking are protected under U.S. and Hawaii law.

The hotline is:

- (1) Available 24 hours a day, 7 days a week;**
- (2) Toll-free;**
- (3) Operated by a non-profit, non-governmental organization;**
- (4) Anonymous and confidential;**
- (5) Accessible in 170 languages; and**



The PACIFIC ALLIANCE
to STOP SLAVERY

(6) Able to provide help, referral to services, training, and general information."

(b) For purposes of this section, "establishment" means:

(1) Any entity that holds a liquor license pursuant to section 281-31;

(2) An airport;

(3) A hospital;

(4) A health maintenance organization;

(5) A clinic;

(6) An urgent care center;

(7) A farm;

(8) A massage parlor; or

(9) A job recruitment center.

(c) The poster referred to in subsection (a) shall be printed in English, Spanish, and any other languages mandated by the Voting Rights Act of 1965, P.L. No. 89-110, in the county where the poster will be posted.

(d) The department shall make available on its public website an electronic version of the poster required by subsection (a) for establishments to print.

(e) Any establishment that violates subsection (a) shall be fined not more than \$1,000 for each separate offense. Each date of violation shall constitute a separate offense. Any action taken to impose or collect the penalty provided for in this subsection shall be considered a civil action."

Thank you very much for hearing this much needed legislation.

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 SENATE BILL 2123, SENATE DRAFT 2, RELATING TO HUMAN
TRAFFICKING**

**House Committee on Human Services
Hon. John M. Mizuno, Chair
Hon. Jo Jordan, Vice Chair**

**House Committee on Labor and Public Employment
Hon. Karl Rhoads
Hon. Kyle T. Yamashita**

**Thursday, March 15, 2012, 11:00 AM
State Capitol, Conference Room 329**

Honorable Chair Mizuno, Chair Rhoads, 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 SB 2123, SD2, relating to 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 "services plan" legislation, which calls upon stakeholders to establish a comprehensive, coordinated, and streamlined services plan for human trafficking victims through a working group spearheaded by the Office of the Attorney General.

That said, we recognize the need to take action now, while planning for the future. Accordingly, we encourage you to amend this bill by adding to it the contents of SB 2278, SD1, relating to labor, which required various established known to be frequented by human traffickers (hotels, massage parlors, etc.) to post in a conspicuous place a poster that provides specified information relating to human trafficking and the National Human Trafficking Resource Center hotline. The measure also established a financial penalty provision in the amount of a \$1,000 for failing to comport with the aforementioned requirement.

Additionally, we encourage you to use this bill as a vehicle for establishing an asset forfeiture program for those who provide the monetary resources, incentive, and bodies for the sex trafficking industry, i.e. pimps and johns. To enact this amendment, we request the addition of a new section within HRS §712, to read as follows:

SECTION . Chapter 712, Hawaii Revised Statutes, is amended by adding a new section to part I be appropriately designated and to read as follows:

"§712- Forfeiture of motor vehicle. (1) In addition to any penalty that may be provided under this part, for a person who is convicted of:

(a) Paying, agreeing to pay, or offering to pay a fee to another person to engage in sexual conduct under section 712-1200, street solicitation of prostitution in designated areas under section 712-1207, or solicitation of prostitution near schools or public parks under section 712-1209; or

(b) Advancing or profiting from prostitution by promoting prostitution in the first degree under section 712-1202 or promoting prostitution in the second degree under 712-1203,

a motor vehicle used or intended for use by the person in the commission of, attempt to commit, or conspiracy to commit an offense under this subsection, or which facilitated or assisted such activity, shall be subject to forfeiture pursuant to chapter 712A. As used in this subsection, "motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power but not operated upon rails.

(3) In addition to any other fines that may be imposed for a conviction of committing the offense of prostitution under section 712-1200, street solicitation of prostitution in designated areas under section 712-1207, or solicitation of prostitution near schools or public parks under section 712-1209, the court shall impose an additional fine of \$1,000, which shall be distributed as follows:

(a) \$500 shall be deposited into the domestic violence and sexual assault special fund under section 321-1.3, for programs and services under the fund as well as to provide counseling to victims of domestic violence or sexual assault; and

(b) \$500 shall be deposited into the general fund of the county in which the arrest occurred.

(4) In addition to any other fines that may be imposed for a conviction of committing the offense of promoting prostitution in the first degree under section 712-1202 or promoting prostitution in the second degree under section 712-1203, the court shall impose an additional fine of \$2,000, which shall be distributed as follows:

(a) \$1,000 shall be deposited into the domestic violence and sexual assault special fund under section 321-1.3, for programs and services under the fund as well as to provide counseling to victims of domestic violence or sexual assault; and

(b) \$1,000 shall be deposited into the general fund of the county in which the arrest occurred.”

This change may require a concurrent amendment to HRS §712A-4, with “solicitation of prostitution near schools or public parks” being added to §712-A-4(c). An entirely new subsection would also need to be added to HRS §712A-4, to read, “Paying, agreeing to pay, or offering to pay a fee to another to engage in sexual conduct in violation of chapter 712 and street solicitation of prostitution in designated areas, which is chargeable as a petty misdemeanor under state law.” If accepted, this would amend §712A-4 to read as follows:

§712A-4 Covered offenses. Offenses for which property is subject to forfeiture under this chapter are:

(a) All offenses that specifically authorize forfeiture;

(b) Murder, kidnapping, labor trafficking, gambling, criminal property damage, robbery, bribery, extortion, theft, unauthorized entry into motor vehicle, burglary, money laundering, trademark counterfeiting, insurance fraud, promoting a dangerous, harmful, or detrimental drug, commercial promotion of marijuana, methamphetamine trafficking, manufacturing of a controlled substance with a child present, promoting child abuse, or electronic enticement of a child that is chargeable as a felony offense under state law;

(c) The manufacture, sale, or distribution of a controlled substance in violation of chapter 329, promoting detrimental drugs or intoxicating compounds, promoting pornography, promoting pornography for minors, promoting prostitution, or solicitation of prostitution near schools or public parks, which is chargeable as a felony or misdemeanor offense, but not as a petty misdemeanor, under state law;

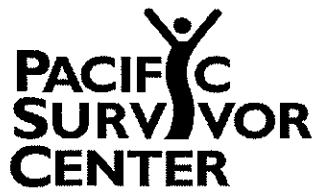
(d) Paying, agreeing to pay, or offering to pay a fee to another to engage in sexual conduct in violation of chapter 712 and street solicitation of prostitution in designated areas, which is chargeable as a petty misdemeanor under state law; and

(e) The attempt, conspiracy, solicitation, coercion, or intimidation of another to commit any offense for which property is subject to forfeiture. [L 1988, c 260, pt of §1; am L 1991, c 166, §1; am L 1997, c 277, §3; am L 1998, c 155, §4 and c 307, §1; am L 1999, c 18, §19; am L 2002, c 200, §4 and c 240, §§5, 11; am L 2006, c 7, §1; am L 2011, c 146, §2]

If one of the suggested revisions to HRS §712 or §712A-4, by itself, is all that is required, we find that eminently acceptable. We respectfully urge you to include the penalty provision in any version of the bill you pass, however, as the additional revenues are necessary to offset the present and future cost of providing services to victims. Let those who commit these heinous crimes subsidize the rehabilitation of their victims.

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 this bill.

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance



HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON HUMAN SERVICES

Rep. John M. Mizuno, Chair
Rep. Jo Jordan, Vice Chair

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Karl Rhoads, Chair
Rep. Kyle T. Yamashita, Vice Chair

Hearing Date: Thursday, March 15, 2012

Time: 11:00 am.

Place: Conference Room 329

TESTIMONY OF PACIFIC SURVIVOR CENTER

RE: SB 2123, SD 2, RELATING TO HUMAN TRAFFICKING

Chair Mizuno, Chair Rhoads, Vice Chair Jordan, Vice Chair Yamashita, and Members of the Committees:

Thank you for the opportunity to present testimony regarding SB 2123, SD 2. Pacific Survivor Center is a non-profit organization that currently assists in meeting the medical and social service needs of human trafficking survivors as well as those who have been afflicted by torture and other human rights violations. We vigorously support the concept of SB 2123, SD 2, but also make suggestions for enhancing the bill.

The evils of human trafficking are well-documented, and they particularly resonate in Hawaii because of our state's experience with the Aloun Farms labor trafficking victims, the forthcoming Global Horizons trial that is now pending in the U.S. District Court, and the long-standing abuse of domestic sex trafficking victims within our own islands.

S.B. 2123, SD 2 seeks to improve the delivery of existing services for survivors of human trafficking by creating a task force under the Department of the Attorney General that will develop a comprehensive plan to coordinate these services, and this is unquestionably a laudable objective.

We do think certain specific amendments should be made to diversify those appointing the working group and to expand its range of activities slightly. Section 2(b) of SB 2123, SD2 presently vests all discretionary selection power for the composition of the working group with the Department of the Attorney General. However, the exclusive focus on that department as the appointing authority is too narrow, especially since subsection (b)(4) contemplates appointment of "health care providers, social service agencies, and housing providers." The Director of the Department of Human Services is a more appropriate individual for selection of these individuals, as health care, social service agencies, and housing agencies fall more closely within the domain of that department. Likewise, the Director of the Department of Human Services should also be authorized to make selections pursuant to subsection (b)(5) of "other interested stakeholders".

Although "mental health counseling" is mentioned in Section 2(c)(1)(D), psychological and/or psychiatric care is of sufficient importance in aiding human trafficking survivors that representatives of those disciplines, as distinguished from the broad category of "health care providers" should be included as a distinct group to be represented in Section 2(b)(4) as members of the working group.

Finally, Section 2(c) thoughtfully addresses the relevant activities that the working group should include but has omitted mention of legal services, which should be enumerated as a significant need to be considered by the working group in formulating any comprehensive state plan to serve trafficking survivors. Especially for immigrant survivors of human trafficking, legal services are vital to ensure their

VISION SAFE

Page 2 of 2

basic presence in the United States and are often instrumental in meeting other fundamental needs for health care, financial support, housing, and employment.

The idea of convening a working group to coordinate services for human trafficking survivors has tangible potential to advance a comprehensive plan in Hawaii that is integrated, victim-centered, humane, cost effective, and efficient. We therefore urge that your committees incorporate the suggestions we have proposed here and endorse SB 2123, S.D.2.

Testimony for HUS/LAB 3/15/2012 11:00:00 AM SB2123

Conference room: 329

Testifier position: Support

Testifier will be present: Yes

Submitted by: Todd Hairgrove

Organization: Individual

E-mail: toddhairgrove@hotmail.com

Submitted on: 3/12/2012

Comments:

Good. Bill

Testimony for HUS/LAB 3/15/2012 11:00:00 AM SB2123

Conference room: 329
Testifier position: Support
Testifier will be present: Yes
Submitted by: Tana-Lee Rebhan-Kang
Organization: Individual
E-mail: tanalee08@yahoo.com
Submitted on: 3/13/2012

Comments:

Thank you for holding a hearing on this important bill.

I am in support of this bill as per the testimony presented by Kathryn Xian of Pacific Alliance to Stop Slavery (PASS) and Kris Coffield of Imua Alliance.

Aloha,

Please pass the following to help protect and support those in need.

- **SB2123 SD2** (Human Trafficking Task Force for Services)
- **SB2576 SD1** (Vacating Convictions)
- **SB2579 SD2** (Safe Harbor for Child Victims)

Mahalo,
Minda Goodman