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TESTIMONY FOR SENATE BILL 2278, RELATING TO LABOR

Senate Committee on Judiciary and Labor
Hon. Clayton Hee, Chair
Hon. Maile S.L. Shimabukuro, Vice Chair

Tuesday, February 7, 2012, 10:15 AM
State Capitol, Conference Room 016

Honorable Chair Hee 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 of, with proposed amendments for SB 2278, relating to labor.

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. Significantly, 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 “hotline” legislation that will require various establishments, such as hotels and hospitals, to post in a conspicuous location a poster that provides information relating to the National Human Trafficking Resource Center, including the center's hotline number.

That said, we urge your committees to consider amending this bill in the following ways. First, we encourage you to add strip clubs and massage parlors to the list of establishments enumerated in Section 1, subsection (b), since these places are common trafficking destinations and have been investigated, in recent years, for sex trafficking and corresponding crimes. Second, we entreat you to clarify the penalty provision outlined in Section 1, subsection (e) by revising it to read: “Any establishment or any agent, employee or representative thereof, who willfully and

knowingly fails, neglects or refuses to perform any act required by this section shall be fined not more than \$10,000 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.”

Again, the IMUAlliance thanks you for your hard work, in 2011, 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 SB 2278.

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance



POLARIS PROJECT

FOR A WORLD WITHOUT SLAVERY

**TESTIMONY IN SUPPORT OF SB 2278
PRESENTED TO THE JUDICIARY AND LABOR COMMITTEE
FEBRUARY 7, 2012**

Mr. Chairman and members of the Judiciary and Labor Committee; on behalf of the more than 40,000 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 serve as Policy Counsel for 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 45,000 calls from across the nation. We have also provided victim services to more than 450 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 Senator Gabbard for introducing SB 2278. 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 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 hotline 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 crisis calls and tips that human trafficking was occurring in different cities, including Honolulu, Hilo, and Wakiki Beach.

In 2011, the National Hotline received 67 calls from Hawaii. Twelve of those calls were crisis calls (calls that came from victims or service providers working with victims) and another ten calls were classified as tips from community members. These numbers give us a brief window into the scope of the problem in the state of Hawaii. Because most victims don't have access to the hotline or even know that it exists, the number of potential victims in Hawaii is probably quite higher.

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.

SB 2278

SB 2278 would require certain establishments to post the National Human Trafficking Resource Center hotline. This bill would provide the greatest tool for victims to be able to escape their trafficking situation and for members of the public to report tips. In short, this bill will literally save lives.

In 2007, the Texas legislature passed similar legislation mandating the posting of the national hotline in all establishments that have a liquor license. Texas now tops the list of states we receive the greatest number of calls from and as a result we are able to successfully send tips to law enforcement and connect victims with service providers (a total of 3,500 nationwide). In all calls that came from Texas from December 2007 through December 2011, we know how the caller learned of the hotline in 57.5% of cases. In those cases where we knew how the caller learned of the hotline 17.5% or 409 callers learned of the hotline through posters. What is interesting to note here is that in most states the majority of callers learn of the hotline online. In Texas, however, most callers, where we can identify how they learned of the hotline, learned of it through posters.

Although we don't categorize posters in our database specifically to the requirements of the Texas law, some of our cases include notes from call specialists which specify where the caller actually saw the hotline. For instance, in some of the calls referencing posters, the call specialist indicated the caller learned of the hotline "at a club he worked at," "at a bar he was at," etc. So while we can't declare with 100% accuracy that the 409 calls referencing that the person learned of the hotline through a "Poster" was a direct result of mandatory posting, I think we can say that a sizable portion of identifiable calls received in Texas probably were.

What this data suggests is that the Hotline Posting laws work and can have tangible impact in successfully identifying victims of trafficking and allowing victims to escape their trafficking situations. All of the establishments currently listed in SB 2278 are places where trafficking victims are likely to come into contact with the poster and will have the greatest impact on their successful rescue. We would also encourage the committee to consider mandating posting of the hotline in "strip clubs" or "clubs that are commonly known for strip teasing" as there have been several human trafficking cases in the past where young girls and women have been rescued from strip clubs. In

those situations, the victims were forced to work at the club, as well as perform commercial sex acts on patrons.

Support SB 2278

Therefore, we strongly ask you and other members of the Committee to vote favorably upon SB 2278 and give victims a fighting chance to reach out for help. This bill will literally save lives. If you should have any questions, please feel free to call me at (202) 745-1001, ext. 132. Mahalo.

-James L. Dold, J.D.
February 7, 2012



DATE: February 6, 2012

ATTN: SENATE COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Senator Mike Gabbard
Senator Sam Slom
Senator Les Ihara Jr.

DATE: Tuesday, February 7th 2012

TIME: 10:15 a.m.

PLACE: Conference Room 016, State Capitol, 415 South Beretania Street

RE: TESTIMONY IN SUPPORT OF SB 2278 - RELATING TO LABOR

Requires establishments to post in a conspicuous place a poster that provides specified information relating to human trafficking and the National Human Trafficking Resource Center hotline. Defines "establishment". Establishes penalties for violations of the poster requirement.

Dear Committees on Judiciary and Labor:

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

The Human Trafficking Resource Center and Hotline managed by the Polaris Project is one of the ways in which victims in servitude, community members wishing to report a crime, or individuals wanting to receive more resource information may call 24-hours a day to receive the help they need. Requiring establishments to post the hotline in clear view would help to get assistance to those who need it the most.

We are also aware that the Imua Alliance recommends the following amendments and PASS is in full support of these proposed changes:

"...we urge your committees to consider amending this bill in the following ways. First, we encourage you to add strip clubs and massage parlors to the list of establishments enumerated in Section 1, subsection (b), since these places are common trafficking destinations and common business foils for houses of prostitution that have been investigated, in recent years, for sex trafficking and corresponding crimes. Second, we entreat you to clarify the penalty provision outlined in Section 1, subsection (e) by revising it to read: 'Any establishment or any agent, employee or representative thereof,



who willfully and knowingly fails, neglects or refuses to perform any act required by this section shall be fined not more than \$10,000 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,' thereby applying the provisions of this bill to both businesses and their affiliated personnel."

Thank you very much for hearing this much needed legislation.

Sincerely,

A handwritten signature in black ink, appearing to be 'Kathryn Xian', written in a cursive style.

Kathryn Xian
Executive Director
Pacific Alliance to Stop Slavery

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: Lardizabal@local368.org
Subject: Testimony for SB2278 on 2/7/2012 10:15:00 AM
Date: Tuesday, February 07, 2012 5:47:56 AM

Testimony for JDL 2/7/2012 10:15:00 AM SB2278

Conference room: 016
Testifier position: Support
Testifier will be present: No
Submitted by: Al lardizabal
Organization: Hawaii Laborers Union
E-mail: Lardizabal@local368.org
Submitted on: 2/7/2012

Comments: