

NEIL ABERCROMBIE  
GOVERNOR



PATRICIA McMANAMAN  
DIRECTOR  
BARBARA A. YAMASHITA  
DEPUTY DIRECTOR

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

FROM: Patricia McManaman, Director

SUBJECT: **S.B. 2579, S.D. 2 - RELATING TO MINORS**

Hearing: Thursday, March 15, 2012. 10:30 a.m.  
Conference Room 329, State Capitol

**PURPOSE:** The purpose of S.B 2579, S. D. 2, is to create a new chapter for the safe harbor of sexually exploited children; establish a special fund; extend the jurisdiction of the family court; amend the statute of limitations; and exempt a minor suspect charged with prostitution from prosecution while subjecting that minor to the provision of the new safe harbor for sexually exploited children chapter.

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of the bill to provide protections and services for sexually exploited children. While the Department agrees that this is a population that needs services, we must respectfully oppose the proposal to place these services within the Department of Human Services for multiple reasons, including lack of staff with an expertise in human trafficking and services appropriate for the victims of human trafficking, lack of sufficient staff to adequately address the Department's current

mandates regarding child welfare services, and not the least of the concerns is the cost of such a project.

The proposal appears to build on the premise that these children need "child protective services" and therefore the services provided to these children should be provided by or facilitated by the DHS. The Department differs with that position and offers that these youth need services that are "protective of children," and that the needed services are not in alignment with the existing concepts and models of child protective services in Federal and State rules and statutes. Child protective services are focused on protecting children from harm by their family or caretakers with the goals for the child and family oriented services being to safely reunify a child with their family or on the other end of the spectrum, to provide an alternate safe permanent legal family for the child through adoption. Additionally, the Department notes that it may be unlawful to place sexually exploited children in safe secured houses. Without a valid court order the same may be wholly unconstitutional.

If we use the Office of Youth Services safe house, Ke Kama Pono in Honokaa, as an estimate, it would cost, conservatively, \$1,000,000 (\$500,000 each - one for male, one for female) for the gender specific safe house facilities for each geographic location. The \$500,000 per site is for 8 beds, 24/7, fully staffed and does not include lease rental costs because the State owns the building that the Honakaa safe house is located.

This bill proposes responsibilities beyond the Department's Federal and State mandates related to intrafamilial child abuse and neglect, and would place demands on the Department that could not be met with our limited resources without substantial additional funding for staff, training, outreach and education, and housing.

Thank you for the opportunity to testify.

WRITTEN ONLY

TESTIMONY BY KALBERT K. YOUNG  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
STATE OF HAWAII  
TO THE HOUSE COMMITTEE ON HUMAN SERVICES  
ON  
SENATE BILL NO. 2579, S.D. 2

March 15, 2012

RELATING TO MINORS

Senate Bill No. 2579, S.D. 2, establishes: a new chapter in the Hawaii Revised Statutes on Safe Harbor for Sexually Exploited Children; creates the Minor Victims of Prostitution Special Fund; grants the Family Court exclusive jurisdiction over a person under 18 who is charged with prostitution; and establishes that a person under 18 and suspected of or charged with prostitution shall not be prosecuted, and shall be subject to the safe harbor provisions of this bill.

While the Department of Budget and Finance takes no position on the various amendments to address the problems of minors who are victims of human trafficking, as a matter of general policy, the department does not support the creation of any special fund which does not meet the requirements of Section 37-52.3 of the Hawaii Revised Statutes. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. In regards to Senate Bill No. 2579, S.D. 2, it is difficult to determine whether the fund will be self-sustaining.

I encourage the Legislature to scrutinize the fiscal and operational plan for this program to ensure that it does conform to the requirements of Section 37-52.3, Hawaii Revised Statutes.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY

ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE JOHN M. MIZUNO, CHAIR  
HOUSE COMMITTEE ON HUMAN SERVICES**

**THE HONORABLE JO JORDAN, VICE CHAIR  
HOUSE COMMITTEE ON HUMAN SERVICES**

**Twenty-sixth State Legislature  
Regular Session of 2012  
State of Hawai`i**

March 15, 2012

**RE: S.B. 2579, S.D. 2; RELATING TO MINORS**

Chair Mizuno, and members of the House Committees on Human Services, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony in regard to **Senate Bill 2579, S.D. 2**. We will provide separate comments on each Section of the Bill as some have merit, others do not, and there are some for which we will take no position.

Our Department takes no position on Section 1, Subsection 1 of the bill except for commenting that we are not in agreement with the purpose that all minors should be automatically exempted from prosecution under H.R.S Chapter 712-1200. As to the stated priority in this section that family unity should be the primary objective of the Department of Human Services in providing services in this section, we believe that the safety and well being of children should always be primary. Family reunification should always take a back seat to protecting children.

Establishment of services for children who are victims of "sexual exploitation" as provided for in Subsection 3 is laudable, but may be too specifically and narrowly drawn as it relates to the reality and practicality of the resources of the Department of human Services.

The requirement that "safe houses" be operated or contracted for by the Department of Human Services in Section 4 seems a challenging objective that if not properly funded, may

prove to conflict financially with the existing responsibilities of the Department. Although the bill provides later, in Subsection 6, for a funding mechanism by the establishment of a “Minor Victims of Prostitution Special Fund”, we question its potential for raising sufficient funds to generate the financial resources necessary to accomplish its intended purpose.

As noted above, Section 2 of the bill proposes the establishment of a special fund to underwrite the costs of implementing the “Safe Harbor” concept. While we take no position on the establishment of the special fund, the specific mechanisms proposed in this section seem unrealistic and unworkable. The monetary assessment of \$5,000 for offenses that are frequently petty misdemeanor crimes seems both inappropriate and unrealistic as to the ability to actually collect from the covered offenders. Similarly the number of offenders convicted under the covered Penal Code offenses is also unlikely to generate sufficient funding to warrant the cost of establishing and administering this fund.

Section 3 of the bill unnecessarily and inappropriately provides for Family Court jurisdiction over minors charged with prostitution related offenses. We believe that existing statutory provisions already give the Family Court adequate jurisdiction over these offenders and cases. In addition, the specific language provided in this section may conflict with and create confusion with a variety of existing provisions covering juvenile offenders.

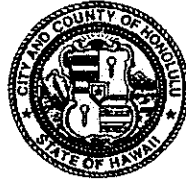
We take no position on Section 4 of the bill.

We strongly object to the provisions of Section 5 of the bill providing for the law enforcement detention of juveniles suspected of prostitution offenses, but exempting them from prosecution. The law enforcement detention provisions appear to be too broad and vague and may possibly create a negative instead of a positive impact on those individuals that this provision is intended to benefit. As to a blanket prohibition against the prosecution of juveniles for prostitution offenses we believe this to be unwise and counterproductive. We believe that existing Family Court procedures and resources such as Girls Court have adequate flexibility to administratively accomplish what appears to be intended by this bill. We also have grave reservations about prohibiting prosecutors and the Family Court from addressing the merits of individual case as deemed appropriate by the specific circumstances of each offense and the needs of individual offenders. We are also not satisfied that the exemption of juveniles from prosecution for prostitution offenses will not create a perverse incentive for the employment of juveniles in prostitution. To believe that pimps, who are notorious for their sophisticated manipulation of minors into prostitution, will not utilize the promise of a lack of criminal consequences as an incentive for engaging in prostitution is naive and unrealistic. Even some of the advocates for juvenile victims of prostitution have expressed reservations and skepticism on this point.

Thank you for the opportunity to testify on **S.B. 2579, S.D 2.**

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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PETER B. CARLISLE  
MAYOR

LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. McCAULEY  
DEPUTY CHIEFS

OUR REFERENCE **JM-TA**

March 15, 2012

The Honorable John M. Mizuno, Chair  
and Members  
Committee on Human Services  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Mizuno and Members:

**SUBJECT: Senate Bill No. 2579, S.D. 2, Relating to Minors**

I am John McEntire, Major of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes Senate Bill No. 2579, S.D. 2, Relating to Minors.

Although we support the intent of providing child welfare services, counseling, and other assistance to juveniles who have been sexually exploited, we do not feel that it is in the best interest of those juveniles or to the community in general to issue immunity from prosecution. One of the main reasons for protecting juveniles is that they often lack the maturity to make the best decisions regarding their personal welfare. The proposal has the effect of legalizing prostitution on their part; this hardly sends the right message to Hawaii's at-risk youth. Furthermore, exempting juveniles from prosecution may limit the police officer's ability to intervene on the child's behalf if there are no other apparent criminal or status offenses.

We do believe there will be cases where prosecution is not appropriate due to the victimization of the juvenile. However, this needs to be decided on a case-by-case basis, so the Family Court can make a determination of the best course of action for the juvenile.

*Serving and Protecting With Aloha*

The Honorable John M. Mizuno, Chair  
and Members  
Page 2  
March 15, 2012

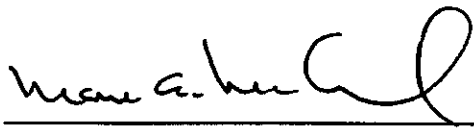
We strongly urge you to oppose Senate Bill No. 2579, S.D. 2, Relating to Minors.

Thank you for the opportunity to testify.

Sincerely,

  
JOHN McENTIRE, Major  
Narcotics/Vice Division

APPROVED:

  
\_\_\_\_\_  
for LOUIS M. KEALOHA  
Chief of Police



THE PACIFIC ALLIANCE  
TO STOP SLAVERY

DATE: March 12, 2012  
ATTN: 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: Thursday, March 15, 2012  
TIME: 10:30am  
PLACE: Conference Room 329, State Capitol, 415 South Beretania Street

RE: TESTIMONY IN STRONG SUPPORT WITH AMENDMENTS OF SB2579  
SD2 - RELATING TO MINORS

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Dear Committee on Human Services:

The Pacific Alliance to Stop Slavery (PASS) is in strong support of SB2579 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. We are in communion with Imua Alliance and Polaris Project with regard to this important bill.

Hawaii is no stranger to child sex-trafficking. During the rule of King Kamehameha III (1825-1854), the King enacted law requiring school headmasters to report missing children to authorities because children were being lured to the ports and prostituted by foreign men. This child prostitution not only traumatized victimized keiki and their families but also spread diseases that almost wiped out the entire Hawaiian population. Prior to this child-related law, in 1825, Leoiki, meaning "small voice" became the first woman of Hawaiian blood to be ascribed in the legal record as being sold for a price for one year to a foreign sailor.

Today, not much has changed and in fact the problem has gotten exponentially worse. It is critical to understand the dynamic of coercion surrounding victims of sex trafficking and promoting prostitution in the first degree. In these situations, the victim is hardly ever able to cry out for help out of fear of repercussions from the trafficker.





THE PACIFIC ALLIANCE  
TO STOP SLAVERY

It is important to note the reason why child abuse, by family members, became mandatory to report—due to the nature of the crime of child abuse. The ability for the abuser to "hide" the crime and ability to "control" the child from exposing the abuse was one of the key reasons. However, there is a significant increase in child abuse at the hands of adults who are not related to the child victim. In our line of work, the abuse that children suffer at the hands of sex-traffickers is not only horrendous, it is on the rise—and for this reason non-family members must be included in Hawaii's child abuse statutes as possible abusers of children.

It is also absolutely necessary and a priority to require law enforcement to report child abuse that includes prostitution activity, in short, sex-trafficking of children. Our members have repeatedly witnessed law enforcement release patrons, without arrest or investigation, who have verbally confessed having sex with prostituted children as young as 15 years old. We have also seen law enforcement refuse to retrieve a reported endangered runaway identified on the streets of Waikiki in the company of a patron.

Federal and state law clearly defines that any prostituted child under the age of 18 is a victim of sex-trafficking. Unfortunately, they are not being treated as such with our current system.

As the only abolitionist agency doing outreach on the streets of Waikiki and downtown Honolulu, we aver that 100% of all prostituted children in Hawaii have pimp/traffickers controlling them. There is absolutely no such thing as an "independent child prostitute," and law enforcement should automatically act to protect this vulnerable population, not ignore them.

Law enforcement and social services must have a plan of response when encountering child victims of sex-trafficking, which includes creating a High Risk Identification program for repeat runaways. Unfortunately, HPD disbanded its Runaways Division in 2010 making it difficult for police to track this high risk population, which is one of the reasons this bill exists; to require an appropriate response. It is up to HPD to institute such a High Risk Identification program based on repeat runaways with a history of sexual assault, but it falls upon the legislature to enact laws to require appropriate identification and handling of child victims of sex-trafficking as King Kamehameha III once established in the mid 19<sup>th</sup> century.

Patrons of prostituted children must suffer a strong economic penalty for purchasing children for sex. The penalties for patrons are currently petty misdemeanors; the same penalty for riding a bicycle illegally on the sidewalk. Penalties for the demand for prostitution/sex-trafficking have not been raised since the state codified its laws over 30 years ago. A \$5000 penalty for patrons of prostituted children, as proposed in SB2579 SD 2, is only one step in the right direction in adequately addressing ending the demand.

We suggest for the committee to remove the establishment of a special fund and divert fees proposed in SB2579 SD 2 to the already existing Domestic Violence and Sexual Assault special fund. Therefore, we recommend replacing the current contents of Section 2, page 7 of SB2579 SD 2 to read as follows:



PACIFIC ALLIANCE  
STOP SLAVERY

§706- Minor Victims of Prostitution Monetary Assessment. (1) In addition to any disposition authorized by chapter 706 or 853, any person who is:

(a) Convicted of an offense under part I of chapter 712 when the offense involves prostitution or promoting prostitution of a person less than eighteen years old; or

(b) Charged with an offense under part I of chapter 712 and who has been granted a deferred acceptance of guilty or no contest plea when the offense involves prostitution or promoting prostitution of a person less than eighteen years old;

shall be ordered to pay a monetary assessment ~~not to exceed~~ of \$5,000.

Notwithstanding sections 706-640 and 706-641 and any other law to the contrary, the assessments provided by this section shall be in addition to and not in lieu of, and shall not be used to offset or reduce, any fine authorized or required by law.

(2) Appropriations by the legislature and all monetary assessments paid and interest accrued on funds collected pursuant to this section shall be deposited into the domestic violence and sexual assault special fund administered and expended by the department of health in accordance with HRS 321-1.3, and shall be used by the Department of Human Services to make grants to non-governmental organizations to provide services for victims encountered during the course of an investigation into any violation of HRS 712-1202, provided such victims constitute persons whose prostitution was advanced by methods as defined by HRS 712-1202(1)(a) or 712-1202(1)(b).

(3) Probation fees imposed under part III of chapter 706 shall be paid before payment of the monetary assessment.

Furthermore, language should be revised accordingly to include sex-trafficking victims as defined by federal law and victims of promoting prostitution in the first degree as defined by 712-1202 to be included as designees for receiving funds from the DVSASF.

PASS also urges the committee to amend HRS 321-1.3(d)(2), mandating the DVSASF annual report to the Legislature, to read: “Recommendations on how to improve services for victims of domestic violence, sexual assault, promoting prostitution in the first degree as defined by HRS 712-1202 or and human sex-trafficking as defined in title 22 United States Code, section 7102, as amended.”

For the sake of the most vulnerable victims in the state of Hawaii, we urge you to pass this measure with the stated amendments above.

Sincerely,



THE PACIFIC ALLIANCE  
TO STOP SLAVERY

A handwritten signature in black ink, appearing to read 'Kathryn Xian', with a large, sweeping flourish at the end.

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

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**TESTIMONY FOR SENATE BILL 2579, SENATE DRAFT 2, RELATING TO MINORS**

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

**Thursday, March 15, 2012, 10:30 AM  
State Capitol, Conference Room 329**

Honorable Chair Mizuno 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 2579, SD2, relating to minors.

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 "safe harbors" legislation that increases funding for underage trafficking survivors, requires mandatory reporting of suspected trafficking or prostitution related abuses, extends the statute of limitations under the prostitution coercion liability act, and grants immunity for underage victims of sex crimes. That said, there are several amendments that we feel would improve the proposed measure.

First, given lawmakers' attempts to better account for and manage the state's nebulous special funds network, the IMUAlliance strongly encourages your committee to revise Section 2, subsection (a), §346- of this proposal to direct the disbursement of fines collected from the Section's requested \$5,000 penalty provision into the Department of Health's Domestic Violence

and Sexual Assault Special Fund (DVSASF), rather than a newly created minor victims of prostitution special fund. Established under HRS §321-1.3, the DVSASF is used by DOH for “programs and grants or purchases of services consistent with chapter 42D that support or provide domestic violence and sexual assault intervention or prevention,” with fund monies being spent on new or existing programs in a manner that supplements any current funding such programs receive.

Many of the concerns voiced by victims' advocates revolve around public awareness, education, and the provision of medical assistance to injured persons. In the past, the DVSASF has been used for all three. For example, this fund enabled the development of an infrastructure model to address sexual violence prevention at the UH-Mānoa Women's Center. The fund was also instrumental in providing resources for JBN Solutions to craft a comprehensive evaluation of the Sex Abuse Treatment Center sexual violence prevention curricula for K-12 teachers, as well as performance-based prevention education conducted by Honolulu Theater for Youth. Finally, DOH contracted the Hawaii State Coalition Against Domestic Violence, using DVSASF funds, to implement the department's Domestic Violence Strategic Plan.

To execute the requested change, we suggest replacing the current contents of Section 2, subsection (a) with the following language:

Section 1. Chapter 346, part I, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**§706- Minor Victims of Prostitution Monetary Assessment.** (1) In addition to any disposition authorized by chapter 706 or 853, any person who is:

(a) Convicted of an offense under part I of chapter 712 when the offense involves prostitution or promoting prostitution of a person less than eighteen years old; or

(b) Charged with an offense under part I of chapter 712 and who has been granted a deferred acceptance of guilty plea or nolo contendere plea when the offense involves prostitution or promoting prostitution of a person less than eighteen years old;

shall be ordered to pay a monetary assessment not to exceed \$5,000.

Notwithstanding sections 706-640 and 706-641 and any other law to the contrary, the assessments provided by this section shall be in addition to and not in lieu of, and shall not be used to offset or reduce, any fine authorized or required by law.

- (2) Appropriations by the legislature and all monetary assessments paid and interest accrued on funds collected pursuant to this section shall be deposited into the domestic violence and sexual assault special fund administered and expended by the department of health in accordance with HRS 321-1.3, and shall be used by the Department of Human Services to make grants to non-governmental organizations to provide services for victims encountered during the course of an investigation into any violation of HRS 712-1202(1)(a) or 712-1202(1)(b), provided such victims constitute persons whose prostitution was advanced by methods as defined by HRS 712-1202(1)(a) or 712-1202(1)(b), or victims encountered during the course of an investigation involving sex trafficking as defined in Section 102 of the Victims of Trafficking and Violence Protection Act of 2000, 22 United States Code Chapter 78, Section 7102, as amended.
- (3) Probation fees imposed under part III of chapter 706 shall be paid before payment of the monetary assessment.

Relatedly, the IMUAlliance urges the committee to use this bill to amend HRS 321-1.3(d)(2), mandating the DVSASF annual report to the Legislature, to read: “Recommendations on how to improve services for victims of domestic violence, sexual assault, and human trafficking.”

Additionally, we encourage your committee to delete Section 1, subsection § -4 of this measure, regarding operation of a safe house. While we firmly believe that the establishment of a safe house for exploited children would advance the security and well-being of victims, particularly in the immediate aftermath of an attack or following rescue, we do not feel that the Department of Human Services currently possesses the funds necessary to contract with a non-profit organization for the operation of such a facility at this time. To be blunt, we are worried that despite the permissive language of this subsection, the general fund liability associated with a safe house could be viewed as legislative overreach during a time of fiscal austerity, thereby endangering the bill's likelihood of passage.

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

Testimony for HUS 3/15/2012 10:30:00 AM SB2579

Conference room: 329

Testifier position: Support

Testifier will be present: No

Submitted by: Hardy Spoehr

Organization: Papa Ola Lokahi

E-mail: [hspoehr@papaolalokahi.org](mailto:hspoehr@papaolalokahi.org)

Submitted on: 3/13/2012

Comments:

Aloha. Papa Ola Lokahi strongly supports this measure. thank you

Testimony for HUS 3/15/2012 10:30:00 AM SB2579

Conference room: 329

Testifier position: Support

Testifier will be present: Yes

Submitted by: Tana-Lee Rebhan-Kang

Organization: Individual

E-mail: [tanalee08@yahoo.com](mailto: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

## **Committee on Human Services**

**DATE:** Thursday, March 15, 2012

**TIME:** 10:30 AM

**PLACE:** CONFERENCE RM 329

STATE CAPITOL

415 S. BERETANIA ST

**MEASURE:** SB2579 SD2

March 14, 2012

Dear Committee on Human Services:

My name is Veronica Garcia and I am a volunteer with the Pacific Alliance to Stop Slavery, the only active agency in Hawaii to assist victims of domestic sex trafficking. I strongly urge you to support SB 2579 SD2, relating to minors. This bill has several components, but I would like to highlight the benefits of some if this bill is passed.

Under Section 1, page 3, Line 17: Victim services program for sexually exploited children established. The identification of sexually exploited children remains negligible because of a lack of education and training for department staff. Indicators that suggest a probable child victim of sexual exploitation are often assessed as the behaviors of delinquent juveniles and children who are addicted to drugs by their own will. Since sexually exploited children often encounter social services but are never identified as such, their recovery process is generally outlined by a trajectory of revolving door services, interventions by law enforcement and the court system, until the child reaches age of adulthood in which it becomes far more difficult to change the outcome of this sexually exploited person. If this bill was to be passed and a sexually exploited child is identified once she\* is taken into custody, having the coordination of services and law enforcement develop an appropriate victim-centered plan would significantly alter this child's outcome.

Sexually exploited children are frequently groomed to be compliant in their victimization, are very distrusting of authorities, abuse substances which is often initiated by their traffickers, have belief systems similar to their abusers, and also suffer from critically low self-esteem. These dynamics, in addition to others, create the absolute need for appropriate victim services. Otherwise, they are often never identified as victims of sexual exploitation, therefore never receiving adequate treatment intervention, thus continuing their offenses into adulthood.

This bill also exempts minors from being prosecuted for the offenses of prostitution. This is a huge step in placing penalty where it needs to go. We have learned from decades of research and with the evolution of juvenile justice systems that incarcerating youth does not yield satisfactory results. It is purely unacceptable to criminalize a child who commits the offense of prostitution when federal and international law deem that child a victim of sex trafficking. With your support of this vital bill, we can

move away from criminalizing exploited youth and provide them with adequate care and treatment. As a society, we have made strides in removing blame from rape victims and child abuse victims. Let us continue this movement for sexually exploited children.

Thank you for the opportunity to share my testimony with you.

Sincerely,

Veronica Garcia

\*I have used female pronouns since this issue predominantly affects girls. This does not suggest that this issue doesn't affect boys and transgender youth.