



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 1, 2013

GOV. MSG. NO. 1349

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

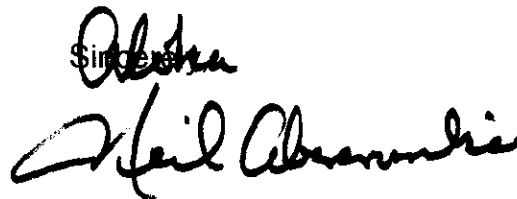
The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 1, 2013, the following bill was signed into law:

HB1187 SD2 CD1

RELATING TO HUMAN TRAFFICKING
ACT 246 (13)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on JUL 1 2013

ACT 246

HOUSE OF REPRESENTATIVES
TWENTY-SEVENTH LEGISLATURE, 2013
STATE OF HAWAII

H.B. NO. 1187
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO HUMAN TRAFFICKING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I
2 SECTION 1. Chapter 8, Hawaii Revised Statutes, is amended
3 by adding a new section to be appropriately designated and to
4 read as follows:

5 "§8- Human Trafficking Awareness Month. The month of
6 January shall be known and designated as "Human Trafficking
7 Awareness Month" to promote public awareness of human
8 trafficking as a significant societal and public health crisis.
9 This month is not and shall not be construed to be a state
10 holiday."

11 PART II
12 SECTION 2. The purpose of this part is to recognize the
13 vulnerability of children who are victims of sex and labor
14 trafficking and to ensure the provision of necessary and
15 appropriate services within the scope of the department of human
16 services for children served by the child welfare services
17 branch.



1 The amendment to the definition of "harm" in chapter 587A,
2 Hawaii Revised Statutes, clarifies that "harm" includes children
3 who are victims of sex and labor trafficking and will ensure
4 that these children will receive appropriate services,
5 treatment, and permanent plans.

6 To be consistent with the amendment to the definition of
7 "harm", an amendment to the definition of what constitutes
8 reportable child abuse and neglect as required in chapter 350,
9 Hawaii Revised Statutes, will clarify that sex and labor
10 trafficking are also reportable acts.

11 SECTION 3. Section 350-1, Hawaii Revised Statutes, is
12 amended by amending the definition of "child abuse or neglect"
13 to read as follows:

14 "Child abuse or neglect" means the acts or omissions of
15 any person who, or legal entity which, is in any manner or
16 degree related to the child, is residing with the child, or is
17 otherwise responsible for the child's care, that have resulted
18 in the physical or psychological health or welfare of the child,
19 who is under the age of eighteen, to be harmed, or to be subject
20 to any reasonably foreseeable, substantial risk of being harmed.
21 The acts or omissions are indicated for the purposes of reports
22 by circumstances that include but are not limited to:



- 1 (1) When the child exhibits evidence of:
- 2 (A) Substantial or multiple skin bruising or any
- 3 other internal bleeding;
- 4 (B) Any injury to skin causing substantial bleeding;
- 5 (C) Malnutrition;
- 6 (D) Failure to thrive;
- 7 (E) Burn or burns;
- 8 (F) Poisoning;
- 9 (G) Fracture of any bone;
- 10 (H) Subdural hematoma;
- 11 (I) Soft tissue swelling;
- 12 (J) Extreme pain;
- 13 (K) Extreme mental distress;
- 14 (L) Gross degradation; or
- 15 (M) Death; and
- 16 such injury is not justifiably explained, or when the
- 17 history given concerning such condition or death is at
- 18 variance with the degree or type of such condition or
- 19 death, or circumstances indicate that such condition
- 20 or death may not be the product of an accidental
- 21 occurrence; or



- 1 (2) When the child has been the victim of sexual contact
2 or conduct, including, but not limited to, sexual
3 assault as defined in the Penal Code, molestation,
4 sexual fondling, incest, or prostitution; obscene or
5 pornographic photographing, filming, or depiction; or
6 other similar forms of sexual exploitation[~~+~~],
7 including but not limited to acts that constitute an
8 offense pursuant to section 712-1202(1)(b); or
- 9 (3) When there exists injury to the psychological capacity
10 of a child as is evidenced by an observable and
11 substantial impairment in the child's ability to
12 function; or
- 13 (4) When the child is not provided in a timely manner with
14 adequate food, clothing, shelter, psychological care,
15 physical care, medical care, or supervision; or
- 16 (5) When the child is provided with dangerous, harmful, or
17 detrimental drugs as defined by section 712-1240;
18 provided that this paragraph shall not apply when such
19 drugs are provided to the child pursuant to the
20 direction or prescription of a practitioner, as
21 defined in section 712-1240[-]; or



1 (6) When the child has been the victim of labor
2 trafficking under chapter 707."

3 SECTION 4. Section 587A-4, Hawaii Revised Statutes, is
4 amended by amending the definition of "harm" to read as follows:

5 "'Harm" means damage or injury to a child's physical or
6 psychological health or welfare, where:

7 (1) The child exhibits evidence of injury, including, but
8 not limited to:

9 (A) Substantial or multiple skin bruising;

10 (B) Substantial external or internal bleeding;

11 (C) Burn or burns;

12 (D) Malnutrition;

13 (E) Failure to thrive;

14 (F) Soft tissue swelling;

15 (G) Extreme pain;

16 (H) Extreme mental distress;

17 (I) Gross degradation;

18 (J) Poisoning;

19 (K) Fracture of any bone;

20 (L) Subdural hematoma; or

21 (M) Death;



- 1 and the injury is not justifiably explained, or the
2 history given concerning the condition or death is not
3 consistent with the degree or type of the condition or
4 death, or there is evidence that the condition or
5 death may not be the result of an accident;
- 6 (2) The child has been the victim of sexual contact or
7 conduct, including sexual assault; sodomy;
8 molestation; sexual fondling; incest; prostitution;
9 obscene or pornographic photographing, filming, or
10 depiction; or other similar forms of sexual
11 exploitation[+], including but not limited to acts
12 that constitute an offense pursuant to section
13 712-1202(1)(b);
- 14 (3) The child's psychological well-being has been injured
15 as evidenced by a substantial impairment in the
16 child's ability to function;
- 17 (4) The child is not provided in a timely manner with
18 adequate food; clothing; shelter; supervision; or
19 psychological, physical, or medical care; [øæ]
- 20 (5) The child is provided with dangerous, harmful, or
21 detrimental drugs as defined in section 712-1240,
22 except when a child's family administers drugs to the



1 child as directed or prescribed by a practitioner as
2 defined in section 712-1240[-]; or
3 (6) The child has been the victim of labor trafficking
4 under chapter 707."

5 PART III

6 SECTION 5. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 6. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 7. This Act shall take effect on July 1, 2013.

APPROVED this 1 day of JUL , 2013



GOVERNOR OF THE STATE OF HAWAII

