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# 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 the 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~~[7-0x]~~,  
7           including but not limited to acts that constitute an  
8           offense pursuant to section 712-1202; 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 ~~[7-]~~; or



1       (6) The child has been the victim of labor trafficking  
2               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 712-  
13 1202;

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; [~~or~~]

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. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect on July 1, 2013.  
9



**Report Title:**

Human Trafficking Awareness Month; Services; Youth Victims of Sex and Labor Trafficking

**Description:**

Designates January as Human Trafficking Awareness Month. Amends the definitions of "child abuse or neglect" and "harm" under sections 350-1 and 587A-4, Hawaii Revised Statutes, respectively, to extend certain services and duties of the Department of Human Services to victims of labor trafficking. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

