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# A BILL FOR AN ACT

RELATING TO CHILD VICTIMS OF SEX AND LABOR TRAFFICKING.

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

1           SECTION 1. The purpose of this Act is to recognize the  
2 vulnerability of child victims of sex and labor trafficking and  
3 to ensure that the department of human services provides  
4 necessary and appropriate services for children served by the  
5 child welfare services branch.

6           The amendment to the definition of "harm" in chapter 587A,  
7 Hawaii Revised Statutes, clarifies that "harm" includes child  
8 victims of sex and labor trafficking and will ensure that these  
9 children will receive appropriate services, treatment, and  
10 permanent plans.

11           To be consistent with the amendment to the definition of  
12 "harm", an amendment to the definition of what constitutes  
13 reportable child abuse and neglect as required in chapter 350,  
14 Hawaii Revised Statutes, clarifies that sex and labor  
15 trafficking are also reportable acts.

16           SECTION 2. Section 350-1, Hawaii Revised Statutes, is  
17 amended by amending the definition of "child abuse or neglect"  
18 to read as follows:



1 "Child abuse or neglect" means the acts or omissions of  
2 any person who, or legal entity which, is in any manner or  
3 degree related to the child, is residing with the child, or is  
4 otherwise responsible for the child's care, that have resulted  
5 in the physical or psychological health or welfare of the child,  
6 who is under the age of eighteen, to be harmed, or to be subject  
7 to any reasonably foreseeable, substantial risk of being harmed.  
8 The acts or omissions are indicated for the purposes of reports  
9 by circumstances that include but are not limited to:

- 10 (1) When the child exhibits evidence of:
- 11 (A) Substantial or multiple skin bruising or any
  - 12 other internal bleeding;
  - 13 (B) Any injury to skin causing substantial bleeding;
  - 14 (C) Malnutrition;
  - 15 (D) Failure to thrive;
  - 16 (E) Burn or burns;
  - 17 (F) Poisoning;
  - 18 (G) Fracture of any bone;
  - 19 (H) Subdural hematoma;
  - 20 (I) Soft tissue swelling;
  - 21 (J) Extreme pain;
  - 22 (K) Extreme mental distress;



- 1 (L) Gross degradation; or  
2 (M) Death; and  
3 such injury is not justifiably explained, or when the  
4 history given concerning such condition or death is at  
5 variance with the degree or type of such condition or  
6 death, or circumstances indicate that such condition  
7 or death may not be the product of an accidental  
8 occurrence; or  
9 (2) When the child has been the victim of sexual contact  
10 or conduct, including, but not limited to, sexual  
11 assault as defined in the Penal Code, molestation,  
12 sexual fondling, incest, or prostitution; obscene or  
13 pornographic photographing, filming, or depiction; or  
14 other similar forms of sexual exploitation~~[, or]~~  
15 including, but not limited to, sexual exploitation  
16 pursuant to the provisions in section 712-1202; or  
17 (3) When there exists injury to the psychological capacity  
18 of a child as is evidenced by an observable and  
19 substantial impairment in the child's ability to  
20 function; or



- 1 (4) When the child is not provided in a timely manner with  
2 adequate food, clothing, shelter, psychological care,  
3 physical care, medical care, or supervision; or  
4 (5) When the child is provided with dangerous, harmful, or  
5 detrimental drugs as defined by section 712-1240;  
6 provided that this paragraph shall not apply when such  
7 drugs are provided to the child pursuant to the  
8 direction or prescription of a practitioner, as  
9 defined in section 712-1240[-]; or  
10 (6) The child has been the victim of labor trafficking as  
11 provided for under chapter 707."

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

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

- 16 (1) The child exhibits evidence of injury, including, but  
17 not limited to:  
18 (A) Substantial or multiple skin bruising;  
19 (B) Substantial external or internal bleeding;  
20 (C) Burn or burns;  
21 (D) Malnutrition;  
22 (E) Failure to thrive;



- 1 (F) Soft tissue swelling;  
2 (G) Extreme pain;  
3 (H) Extreme mental distress;  
4 (I) Gross degradation;  
5 (J) Poisoning;  
6 (K) Fracture of any bone;  
7 (L) Subdural hematoma; or  
8 (M) Death;

9 and the injury is not justifiably explained, or the  
10 history given concerning the condition or death is not  
11 consistent with the degree or type of the condition or  
12 death, or there is evidence that the condition or  
13 death may not be the result of an accident;

- 14 (2) The child has been the victim of sexual contact or  
15 conduct, including sexual assault; sodomy;  
16 molestation; sexual fondling; incest; prostitution;  
17 obscene or pornographic photographing, filming, or  
18 depiction; or other similar forms of sexual  
19 exploitation[+] including, but not limited to, sexual  
20 exploitation pursuant to the provisions in section  
21 712-1202;



- 1 (3) The child's psychological well-being has been injured  
2 as evidenced by a substantial impairment in the  
3 child's ability to function;
- 4 (4) The child is not provided in a timely manner with  
5 adequate food; clothing; shelter; supervision; or  
6 psychological, physical, or medical care; [~~or~~]
- 7 (5) The child is provided with dangerous, harmful, or  
8 detrimental drugs as defined in section 712-1240,  
9 except when a child's family administers drugs to the  
10 child as directed or prescribed by a practitioner as  
11 defined in section 712-1240[~~-~~]; or
- 12 (6) The child has been the victim of labor trafficking as  
13 provided for under chapter 707."

14 SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act, upon its approval, shall take effect  
17 on July 1, 2050.



**Report Title:**

Services; Child Victims of Sex and Labor Trafficking

**Description:**

Ensures that the Department of Human Services provides the necessary services to Hawaii's youth who are victims of sex and labor trafficking. Effective July 1, 2050. (HB874 HD1)

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

