

**STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.hawaii.gov/labor
Phone: (808) 586-8842 / Fax: (808) 586-9099
Email: dlir.director@hawaii.gov

February 9, 2013

To: The Honorable Karl Rhoads, Chair, the Honorable Sharon E. Har, Vice Chair,
and Members of the House Committee on Judiciary

The Honorable Angus L.K. McKelvey, Chair, the Honorable Derek S.K.
Kawakami, Vice Chair, and
Members of the House Committee on Consumer Protection & Commerce

Date: Monday, February 11, 2013
Time: 2:30 p.m.
Place: Conference Room 325, State Capitol

From: Dwight Y. Takamine, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 1068 RELATING TO HUMAN TRAFFICKING

The DLIR administers labor law and programs, not criminal law, and therefore requests that it not be given the responsibility as proposed in the measure.

The Department of Labor and Industrial Relations, "...shall administer programs designed to increase the economic security, physical and economic well-being, and productivity of workers, and to achieve good labor-management relations, including the administration of workers' compensation, employment security, apprenticeship training, wage and hour, and industrial relations laws. The department shall also have the function of developing, preparing, and disseminating information on employment, unemployment, and general labor market conditions." Section 26-20, Hawai'i Revised Statutes.

HONOLULU EMERGENCY SERVICES DEPARTMENT
EMERGENCY MEDICAL SERVICES DIVISION
CITY AND COUNTY OF HONOLULU

3375 KOAPAKA STREET, SUITE H-450 • HONOLULU, HAWAII 96819-1814
Phone: (808) 723-7803 • Fax: (808) 768-1460



PATRICIA J. DUKES, MICT
CHIEF OF EMS

WAYNE KRUSE, MICT
ASSISTANT CHIEF-OPERATIONS

VICKI L. BENTZIEN, RN
ASSISTANT CHIEF-QA

February 11, 2013

Representative Angus L. K. McKelvey, Chair, and
Members of the House Committee on Consumer Protection and Commerce
Representative Karl Rhoads, Chair, and
Members of the House Committee on Judiciary

SUBJECT: **HB 1068 RELATING TO HUMAN TRAFFICKING**

Dear Chair McKelvey, Chair Rhoads, and Committee Members,

I am Patricia J. Dukes, Chief of Emergency Medical Services (EMS). I testify in **STRONG SUPPORT OF HB 1068 RELATING TO HUMAN TRAFFICKING.**

City and County of Honolulu EMS personnel received comprehensive awareness training regarding the enormous and despicable amount of trafficking victims in our backyard. Unbeknownst to them, EMS paramedics have cared for these victims over the years without any understanding as to the *real* story behind the victims' lives.

On behalf of the EMS professionals, I strongly support the requirement to post information regarding resources available to enslaved trafficked persons, as well as the general public.

Thank you for this opportunity to testify in **STRONG SUPPORT OF HB 1068 RELATING TO HUMAN TRAFFICKING.**

Sincerely,

A handwritten signature in black ink that reads "Patricia J. Dukes". The signature is written in a cursive, flowing style.

Patricia J. Dukes, BS, AS MICT
Chief of EMS



POLARIS PROJECT

FOR A WORLD WITHOUT SLAVERY

**TESTIMONY IN SUPPORT OF HB 1068
PRESENTED TO THE COMMITTEES ON THE JUDICIARY AND
CONSUMER PROTECTION AND COMMERCE
FEBRUARY 11, 2013**

Mr. Chairmen and members of the House Judiciary and Consumer Protection and Commerce Committees:

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 Senior 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 67,000 calls from across the nation. We have also provided victim services to more than 500 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 lead sponsor, Representative Karen Awana, and Vice Speaker John Mizuno, both of whom have been stalwart advocates for human trafficking victims for several years now. 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 in Hawaii

Every day we receive calls through the National Human Trafficking Resource Center 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 tips that human trafficking was occurring in different cities, including Honolulu, Hilo, and Wakiki Beach.

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.

HB 1068

HB 1068 is a critical component of Hawaii enacting a comprehensive legal framework to combat human trafficking. This bill would require posting of the National Human Trafficking Resource Center hotline in certain establishments where victims are likely to come into contact with it. This provision is essential to reaching victims and educating community members about this terrible crime. Since Polaris Project started operating the hotline in December 2007 we have identified over 8,500 potential victims of human trafficking across the United States and sent over 3,000 tips to law enforcement at the local, state, and federal level which has resulted in the successful arrest and prosecution of traffickers. Our operation of the NHTRC hotline has been so successful that it was highlighted last year by former Secretary of State, Hillary Clinton, and is currently featured on the White House website found here:

<http://www.whitehouse.gov/endtrafficking>.

Evidence suggests that mandatory posting of the hotline increases call volume which in turn leads to more tips about potential trafficking situations in a given state. In Texas, for example, the state mandates that all establishments with an off-site liquor license post the national human trafficking hotline. 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.

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 a tangible impact in successfully identifying victims of trafficking and allowing victims to escape their trafficking situations. In addition to Texas, similar mandatory hotline posting legislation has been passed in Virginia, Maryland, Louisiana, California, Pennsylvania, and Alabama.

Several other states are considering similar legislation this year as well, including: Nevada, Arkansas, Florida, South Carolina, and Georgia.

All of the establishments currently listed in HB 1068 are places where trafficking victims are likely to come into contact with the poster and will have the greatest impact on their successful rescue or escape.

Lastly, one of the great things about this bill is the limited fiscal impact. Since the enforcement of this bill could easily be built into the existing duties of specified Departments and printed by applicable establishments from the website of those Departments, the state of Hawaii can literally help save lives for the cost of a sheet of paper. Some state's fiscal analysis of this legislation has concluded that it may actually increase revenue going into the general literary fund.

Support HB 1068

Therefore, we strongly ask you and other members of the Committee to vote favorably upon HB 1068 and create a truly comprehensive framework to fight human trafficking that focuses on providing an avenue for victims to seek help. If you should have any questions, please feel free to call me at (202) 745-1001, ext. 132. Mahalo.

-James L. Dold, J.D.



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Legislative Director

TESTIMONY FOR HOUSE BILL 1068, RELATING TO HUMAN TRAFFICKING

House Committee on Consumer Protection and Commerce

Hon. Angus L.K. McKelvey, Chair

Hon. Derek S.K. Kawakami, Vice Chair

House Committee on Judiciary

Hon. Karl Rhoads, Chair

Hon. Sharon E. Har, Vice Chair

Monday, February 11, 2013, 2:30 PM

State Capitol, Conference Room 325

Honorable Chair McKelvey, Chair Rhoads, 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 strong support of, with proposed amendments for HB 1068, relating to human trafficking.

In 2011, 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. In 2012, policymakers passed a “vacating convictions” bill, for the first time allowing persons who have been wrongfully convicted of prostitution-related offenses and can demonstrate that their offenses were coerced to petition to have these convictions vacated from their record, so that they can matriculate into healthy, sustainable, fruitful lifestyles.

The IMUAlliance lauds the State Legislature's efforts, during the last two sessions. 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. To that end, the IMUAlliance strongly supports the enactment of “hotline” legislation that will require various establishments,

such as massage therapy establishments and hostess bars, 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 encourage you to amend Section 1, of this bill by adding a subsection to state: “The department may contract with any state or county department or agency, including but not limited to the county liquor commissions, for the purpose of implementing or enforcing this section.” In our opinion, this amendment allows DLIR to obtain assistance from other governing bodies that have experience in working with and policing the establishments enumerated in this bill, thereby lessening the fiscal encumbrance borne by the department.

On a different note, we urge you to use HB 1068 as a vehicle bill for criminalizing Internet-based, third-party advertisements for prostitution. In the Information Age, the Internet has become the predominant vehicle for commercial sex advertising (see below). Every day, hundreds of ads publicizing sexual services are posted on online classified websites, like Backpage and Craigslist, usually under the guise of escort dates or massage appointments. Often, the photos contained in the ads feature scantily clad women, making explicit their ulterior intent. Connecticut passed a cyber-trafficking prevention law, earlier this year, that outlaws commercial sex advertisements that employ depictions of minors. Hawaii should be bolder, banning all advertisements for prostitution, online or in any other format. Newly articulated judicial precedent from the Sixth and Ninth Circuit Courts of Appeals suggests that such a law would not run afoul of the First Amendment, as long as it targets third-party advertisers, rather than the online advertising forums themselves. Importantly, Hawaii would be the second state to enact such a law, countermanding our image as a state that lags behind the country in terms of implementing progressive anti-trafficking policy. To create a “cybertrafficking” statute, we propose that the following language be added to the bill: **SECTION . §712- Advertising for prostitution. (1) A person is guilty of advertising for prostitution when such person knowingly:**

(a) Creates, distributes, or attempts to distribute an advertisement for prostitution; or

(b) Purchases or attempts to purchase advertising space for an advertisement for prostitution.

(2) Advertising for prostitution is a misdemeanor.

(3) For the purposes of this section:

“Advertisement” means a commercial message in any electronic, print, or broadcast medium that aids, promotes, or assists, directly or indirectly, an offer or agreement to engage in sexual conduct with another person for a fee.

“Advertising space” means the right to publish or distribute a commercial message through any electronic, print, or broadcast medium.

(4) This section shall not apply to any member of a police department, a sheriff, or a law enforcement officer acting in the course and scope of duties.

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 biennium's momentum into a concerted movement. Mahalo for the opportunity to testify in strong support of this bill.

Sincerely,
Kris Coffield
Legislative Director
IMUAlliance

Reply: [click here](#)

□N::!::R::V::A::N::A□R::E::L::A::X::A::T::!::O::N□

- Best service in town. ☎808-636-7277
- Sweet sexy girls with the skills to meet your individual needs.
- beautiful asian girls you can choose
- No rush. Private rooms and showers are available for your comfort and convenience.
- Walk-ins Welcome
- Free parkings
- We open 24/7

□ Come and relax Let us pamper you□□

Poster's age: 25
• Location: Honolulu (Oahu), Honolulu

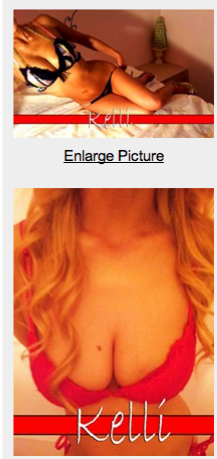


Reply: [click here](#)

Hey GeNtlemen, iTs PIAY TiMe BoYs Five-Star Experience ☆That will leave you Satisfied. ★Sweet EYECANDY!~► Im Available 24-Hrs!Dont Hesitate to call ☆From the Moment we meet, you will ★be the center of our Attention & Affection ●**100% JAW DROPPING SERVICE*.. ●**100% real pictures ★We are the total package. . .Guarantee**~*~*~* Walk Ins welcome 955-1312 [Click here for Map](#)

Poster's age: 21
• Location: Honolulu (Oahu), 641 Keeaumoku St
• Post ID: 3139293 honolulu

[Email this ad](#)



DATE: Monday, February 11th 2013

TIME: 2:30pm

PLACE: Conference Room 325, State Capitol, 415 South Beretania Street

RE: TESTIMONY IN STRONG SUPPORT OF HB1068 WITH AMENDMENTS RELATING TO HUMAN TRAFFICKING

Requires certain 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 Consumer Protection and Commerce and Judiciary:

I, Amanda Layne Yesensky Chang, strongly support HB1068 with amendments suggested by The Pacific Alliance to Stop Slavery (PASS). The Human Trafficking Resource Center and Hotline, managed by the Polaris Project, is a way for 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 required assistance. Requiring establishments to post the hotline in clear view would help to get assistance to those who need it the most in areas where outreach is difficult.

I also urge you to use HB1068 as a vehicle bill for criminalizing Internet-based, third-party advertisements for prostitution (as outlined by PASS). The Internet has become the predominant vehicle for commercial sex advertising. Hawaii should act boldly, banning all advertisements for prostitution, online or in any other format. Hawaii would be the second state to enact such a law, combating our image as a state that straggles behind the country in terms of implementing progressive anti-trafficking policy.

PASS is one of Hawaii's few services that helps heal survivors of human trafficking. PASS testifies that there are no specific services designed for the survivors of this crime. As a result, survivors fall through the cracks or are often re-victimized and criminalized as either "prostitutes" if they are sex trafficked victims, or "illegal immigrants" if they are labor trafficked victims. Hawaii needs to accurately and effectively address the handling of human trafficking survivors.

Thank you for hearing this important and much needed legislation.

Sincerely,

Amanda Layne Yesensky Chang

kawakami2 - Rise

From: har2-Vincent on behalf of JUDtestimony
Sent: Sunday, February 10, 2013 3:53 PM
To: CPCtestimony
Subject: FW: Submitted testimony for HB1068 on Feb 11, 2013 14:30PM

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Thursday, February 07, 2013 3:18 PM
To: JUDtestimony
Cc: spencer@myhomeisbrave.com
Subject: Submitted testimony for HB1068 on Feb 11, 2013 14:30PM

HB1068

Submitted on: 2/7/2013

Testimony for JUD/CPC on Feb 11, 2013 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Spencer Toyama	Individual	Support	No

Comments: I strongly support this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

kawakami2 - Rise

From: har2-Vincent on behalf of JUDtestimony
Sent: Sunday, February 10, 2013 4:14 PM
To: CPCtestimony
Subject: FW: Submitted testimony for HB1068 on Feb 11, 2013 14:30PM
Attachments: testimony hb1068.pages.zip

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Friday, February 08, 2013 3:17 PM
To: JUDtestimony
Cc: hawaiietsy@yahoo.com
Subject: Submitted testimony for HB1068 on Feb 11, 2013 14:30PM

HB1068

Submitted on: 2/8/2013

Testimony for JUD/CPC on Feb 11, 2013 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Elizabeth Cook	Individual	Comments Only	No

Comments: Dear Committees on Consumer Protection and Commerce and Judiciary: As an volunteer outreach worker with the Red Light Angels, I am in strong support of HB1068 with amendments. 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. I have personally called this hotline on behalf of an underage child trafficked for prostitution, and as a result was provided with valuable help and resources. However, the neediest among us do not have ready access to help centers and hotlines-- they may be monitored closely by their captors or kept in captivity aside from working for their traffickers. I see firsthand how offers of resources are gladly received by working prostitutes who so rarely feel the acceptance of help of our community. Requiring establishments to post the hotline in clear view would help to get assistance to those who need it the most in areas where outreach is difficult. Hawaii should be bolder! Supporting this bill would be a step toward providing resources for the hundreds of girls and women in Hawaii who feel they have no other option than to meet the demands of their traffickers. Earlier this year, Shared Hope International rated Hawaii second worst in the nation in protecting child victims of sex trafficking by law. Please see testimony by Pacific Alliance to Stop Slavery for amendments that I also support. Thank you for hearing this much needed legislation. Sincerely, Elizabeth Cook Volunteer Outreach Worker Red Light Angels

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov