

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

ELENA CABATU
JUDY KERN
MARILYN B. LEE
CARMILLE LIM
AMY MONK
LISA ELLEN SMITH

Executive Director
CATHY BETTS, JD

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235 S. Beretania #407
Honolulu, HI 96813
Phone: 808-586-5758
FAX: 808-586-5756

February 13, 2014

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

From: Cathy Betts, Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in Support of HB 1926, Relating to Crime

On behalf of the Hawaii State Commission on the Status of Women, I would like to thank the Committee for this opportunity to testify. The Commission strongly supports HB 1926, which would allow crime victim compensation for labor trafficking in the first degree and promoting prostitution in the first degree.

How Commercial Sexual Exploitation Affects Girls

According to a 2010 study by the National Low Income Housing Coalition, Hawaii is the most expensive state in the country in which to rent. Accordingly, homelessness has become one of Hawaii's most daunting social-justice issues. On Oahu, the total number of homeless was estimated by the Department of Human Services (DHS) to be 4,556. The Center for the Study of Youth Policy at the University of Pennsylvania reports that nearly 55% of homeless girls engage in formal prostitution, and 75% of girls involved in prostitution work for a pimp. According to the Department of Justice, anywhere between 100,000 and 3 million youth are prostituted in the United States every year, most of which are girls.

HB 1926 sends a clear message to those who purchase and pimp Hawaii's youth. First, it amends the definition of "sexual conduct" as used in describing the offense of prostitution. This re-definition better captures the true range of sexual violence that is perpetrated against commercially sexually exploited youth. Second, it makes solicitation of a minor for prostitution ineligible for a deferred acceptance of guilty plea. Currently, defendants who opt for deferred acceptance of a guilty plea are able to have their charges dropped and records expunged after a six-month grace period. Third, HB 1926 makes promoting prostitution in the first degree eligible for a deferred acceptance of guilty plea.

These are important steps towards demand reduction. Historically and currently, most arrests associated with prostitution are arrests of the prostituted person. According to the National Institute of Justice, only 10 percent are arrests of the men who purchase commercial sex. Research has shown that men who purchase prostituted women and minors are substantially deterred from future visits by arrest and increased sanctions. Increasing the minimum fine for soliciting sex from a minor from \$2,000 to \$5,000 targets those most responsible for the harm against our youth.

For these reasons, the Commission strongly supports HB 1926 and the continued push for victim-centered mechanisms to combat the commercial sexual exploitation of girls. We respectfully request that you pass this bill. Thank you for this opportunity to testify.

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

1136 Union Plaza, Suite 600
Honolulu, Hawai'i 96813
Telephone: 808 587-1143
FAX 808 587-1146

MARI MCCAIG
Chair

THOMAS T. WATTS
Commissioner

ABELINA SHAW
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON HOUSE BILL 1926
RELATING TO CRIME

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair

Thursday, February 13, 2014; 2:00 PM
State Capitol, Conference Room 325

Chair Rhoads, Vice Chair Har, and Members of the House Committee on Judiciary:

Thank you for providing the Crime Victim Compensation Commission (“Commission”) with the opportunity to testify before you today. The Commission supports with amendments the passage of House Bill 1926, Relating to Crime. House Bill 1926, in part, seeks to amend Hawai‘i Revised Statute (hereafter “HRS”) chapter 351 to include Labor Trafficking in the First Degree (HRS § 707-781) and Promoting Prostitution in the First Degree (HRS § 712-1202) as crimes for which the Commission can provide compensation.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Since fiscal year 2003, victim compensation has been funded solely from the collection of the Crime Victim Compensation Fee (hereafter “Compensation Fee”), the collection of restitution, and matching federal funds. Without compensation from the Commission, many victims of violent crimes could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one.

Compensation by the Commission is limited to victims who are physically injured as a result of violent crimes. HRS § 351-32 states that the Commission can provide compensation for the following violent crimes: Murder in the First Degree, Murder in the Second Degree, Manslaughter, Negligent Homicide in the First Degree, Negligent Homicide in the Second Degree, Negligent Injury in the First Degree, Negligent Injury in the Second Degree, Assault in the First Degree, Assault in the Second Degree, Assault in the Third Degree, Kidnapping, Sexual Assault in the First Degree, Sexual Assault in the Second Degree, Sexual Assault in the Third Degree, Sexual Assault in the Fourth Degree, Abuse of Family and Household Member, and Terrorism. Crimes involving threat of harm such as terroristic threatening and crimes involving financial harm such as extortion and theft are not compensable crimes.

The Commission provides compensation to victims of violent crimes even if the violent crime is not charged or prosecuted as one of the enumerated crimes as long as the facts establish one of the crimes enumerated in HRS § 351-32. Thus, the Commission has provided compensation to victims of Labor Trafficking in the First Degree and Promoting Prostitution in the First Degree who have suffered physical injuries as a result of assaults committed in the course of those crimes because the assaults are covered crimes under HRS § 351-32.

However, victims of Labor Trafficking in the First Degree and Promoting Prostitution in the First Degree who did not suffer physical assaults but were coerced through a threat of force are not eligible for compensation because the threat of force is the equivalent of terroristic threatening which is not a covered crime. This bill proposes to make these victims of terroristic threatening, by virtue of their being victims of labor trafficking and promoting prostitution, eligible for compensation but continues to exclude all other victims of terroristic threatening.

While the Commission would like to provide compensation to the victims of all crimes, the Commission does not have the financial resources to provide compensation to all victims. The Compensation Fee is the Commission's primary source of non-tax revenue and the assessment and collection of the Fee is vital to the Commission remaining fiscally self-sufficient. In the past years, the Commission has seen a decrease in the collection of the Compensation Fee and an

increase in medical expenses. If the current trend continues, the Commission will be unable to provide compensation to victims of crimes that are currently enumerated in HRS § 351-32 without an additional source of revenue.

If the legislature is inclined to expand the crimes for which the Commission provides compensation, the Commission requests that the bill be amended to exempt the Commission from the Special Fund Assessments. The Commission is required to pay the Special Fund Assessments which consists of a five percent (5%) central service expense fee and a pro-rata share of administrative expenses incurred by PSD. In Fiscal Year 2013, the Commission paid \$79,074.00 for the Special Fund Assessments. The Special Fund Assessment is assessed on all non-tax revenue such as the Compensation Fees and restitution payments received from criminal defendants which are direct reimbursement for compensation awards to crime victims. The Commission pays the Special Fund Assessment on income received that will be awarded to victims and then pays the Special Fund Assessment on any restitution received as reimbursement for money awarded to victims. The exemption is necessary for the Commission to provide compensation for the victims proposed under this bill and to continue to provide compensation for the victims currently enumerated in HRS 351.

Thank you for providing the Commission with the opportunity to testify in support with amendments of House Bill 1926.

Justin F. Kollar
Prosecuting Attorney

Kevin K. Takata
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White, LCSW
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY


County of Kaua'i, State of Hawai'i

3990 Ka'ana Street, Suite 210, Lihu'e, Hawai'i 96766

808-241-1888 ~ FAX 808-241-1758

Victim/Witness Program 808-241-1898 or 800-668-5734

TESTIMONY IN SUPPORT OF
H.B. No. 1926
A BILL FOR AN ACT RELATING TO CRIME

 Justin F. Kollar, Prosecuting Attorney
County of Kauai

House Committee on Judiciary

Thursday, February 13, 2014
2:00 p.m., Room 325

Honorable Chair Rhoads, Vice-Chair Har, and Members of the Committee:

The Office of the Prosecuting Attorney, County of Kauai submits the following testimony in support of H.B. 1926, particularly the provisions relating to deferred acceptance of plea and crime victim compensation.

H.B. 1926 addresses the issue of sentencing for labor and human trafficking, solicitation of a minor for prostitution, and clarifies sentencing of repeat offenders and enhanced sentences for repeat violent and sexual offenders. In addition, the proposed bill allows for crime victim compensation for labor trafficking in the first degree and promoting prostitution in the first degree.

The victims of these offense are traumatized, often for life. They are victimized by predators who make vast financial profits from the people they exploit. It is only fitting that the survivors of these crimes be eligible for crime victim compensation just as the victims of other thieves are.

This office also believes that the offenses enumerated are of sufficient severity as to make them ineligible for deferred acceptance of guilty or no contest plea. These offenses involve premeditated and dehumanizing conduct that indicates conduct that is not a mere aberration of the perpetrator.

For these reasons, we support H.B. 1926. Thank you very much for the opportunity to provide testimony on this bill.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE JK-TA

February 13, 2014

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 1926, Relating to Crime

I am Jason Kawabata, Captain of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes House Bill No. 1926, Relating to Crime.

In part, the bill proposes to amend paragraph (5) of the Hawaii Revised Statutes, Section 712-1200, on Prostitution. This paragraph exempts law enforcement officers from the provisions of the law so that they may effectively conduct the undercover operations necessary to enforce it.

As written, this bill would nullify the exemption if the officer agrees to pay a fee for sexual penetration or sadomasochistic abuse. This would limit the type of violations law enforcement officers are able to enforce.

Even if the intent of the amendment is merely to limit actual conduct by the officer, we must oppose it. Codifying the limitations on an officer's conduct would greatly assist pimps and prostitutes in their efforts to avoid prosecution.

The Honolulu Police Department urges you to oppose House Bill No. 1926, Relating to Crime.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


LOUIS M. KEALOHA
Chief of Police


JASON KAWABATA, Captain
Narcotics/Vice Division

Serving and Protecting With Aloha

HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kaleo Schneider	Courage Worldwide Hawaii	Support	Yes

Comments: I fully support this bill. We really need a SEX TRAFFICKING definition in Hawaii. If this is the closest we can come to protecting our prostituted youth we really need to work harder.

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jan Cook	Courage House Hawaii	Support	No

Comments: I strongly support HB1926

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ONLINE SUBMITTAL

Hearing on: Thursday, February 13, 2014 @ 2:00 p.m.
Conference Room #325

DATE: February 11, 2014

TO: House Committee on Judiciary
Rep. Karl Rhoads, Chair
Rep. Sharon Har, Vice Chair

FROM: Eva Andrade, Executive Director

RE: Support for HB 1926 Relating to Crime

Aloha and thank you for the opportunity to submit testimony in support of this measure. I am Eva Andrade, **representing the Hawaii Family Forum**. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations. We support this bill that would not only allow compensation to victims of labor trafficking but also amends the offense of solicitation of a minor.

The U.S. State Department estimates that thousands of human beings, many of them children, are trafficked each year into the United States to work in the sex trade or as slave labor. Women and children have been forced to work in prostitution and child pornography rings, and even coerced into different types of manual labor, without pay or protection. As an organization that cares deeply about the family, especially the children, we find this both reprehensible and unacceptable.

In Hawaii, many child victims of human trafficking commonly seek to escape their personal struggles with the hope of finding opportunity and a brighter future. It is in these types of environments that human traffickers flourish, promising these precious keiki an opportunity to travel, at no immediate expense, for employment and housing. What they find instead, is coercion, abuse, entrapment, and sexual exploitation in a brothel, a massage parlor, or an agricultural outpost. By the time they are rescued, if ever, they are shattered by physical, mental, and psychological abuse. Many become ill and some have even lost their lives.

As a faith-based organization who fought to protect children from sexual exploitation (our organization was instrumental in 2001 when Hawaii raised of the age of consent from 14 to 16), we continue to support the strengthening of these laws. Protection of our keiki from sexual exploitation must continue to be a top priority for Hawaii!

Mahalo for the opportunity to support this measure.



HAWAII CATHOLIC CONFERENCE

6301 Pali Highway
Kaneohe, HI 96744-5224

Online Submittal
Hearing on Thursday, February 13, 2014 @ 2:00 p.m.
Conference Room #325

DATE: February 11, 2014
TO: House Committee on Judiciary
Rep. Karl Rhoads, Chair
Rep. Sharon Har, Vice Chair
From: Walter Yoshimitsu, Executive Director
Re: Support for HB 1926 Relating to Crime

Honorable Chair and members of the House committee on Judiciary, I am Walter Yoshimitsu, **representing the Hawaii Catholic Conference**. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii, which under the leadership of Bishop Larry Silva, represents Roman Catholics in Hawaii. We strongly support this bill that would allow crime victim compensation for labor trafficking.

The Catholic Church has placed the elimination of trafficking as an important priority in the areas of public advocacy, public education, and services with respect to the victims. We are working to raise awareness within the Catholic community about the problem, including education, to help people in the community identify and understand the problem of human trafficking.

Trafficking victims need, first and foremost, safety and security. Many of them are terrified of the traffickers who brought them to Hawaii. Providing them with a secure, safe, and nurturing environment is crucial to ensuring their return to society as contributing members. The Church and its service organizations, does all that it can to provide support services to both adult and child victims of trafficking, including health and mental health services, employment assistance, English-language training, counseling, housing and other material assistance needs; however, there is so much more to be done.

The themes of Catholic social teaching—the protection of human dignity and human rights; the option for the poor; the call to family and community; the rights of workers; solidarity and care for creation—all address evils inherent in the trafficking of human beings. These principles of justice are not unique to Catholicism but are manifest in most religions. Commitment to these principles gives the issue of human-trafficking a sense of urgency to many faiths and religious communities. For this reason we strongly support passage of this measure but respectfully leave the legal application to the experts.

Mahalo for the opportunity to testify.



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

TESTIMONY FOR HOUSE BILL 1926, RELATING TO CRIME

House Committee on Judiciary
Hon. Karl Rhoads, Chair
Hon. Sharon E. Har, Vice Chair

Thursday, February 13, 2014, 2:00 PM
State Capitol, Conference Room 414

Honorable Chair Rhoads and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 175 local members. On behalf of our members, we offer this testimony in support of, with proposed amendments for House Bill 1926, relating to crime.

Over the past three years, lawmakers have taken a tough stand against human trafficking in Hawaii, adding a comprehensive labor trafficking section to Hawaii's criminal code, upping penalties for those who promote and solicit prostitution (pimps and johns), enacting laws that allow victims of coerced prostitution to vacate their criminal records, and criminalizing the solicitation of minors for prostitution as a felony offense. As these laws have been implemented, the scale and scope of the human trafficking in the islands, especially sex-trafficking, has been highlighted. Today, IMUAlliance and Pacific Alliance to Stop Slavery, in an ongoing study, estimate that there are roughly 125 high-risk sex-trafficking establishments in our state, mostly located in the City and County of Honolulu.

This bill builds on previous successes by establishing crime victim compensation for labor trafficking in the first degree and promoting prostitution in the first degree, amending the definition of "sexual conduct" used in describing the offense of prostitution to include sadomasochistic abuse (inflicting pain for the purpose of sexual stimulation), proscribing law enforcement officers from engaging in sexual penetration or sadomasochistic abuse while investigating prostitution, making solicitation of a minor for prostitution ineligible for deferred acceptance of guilty plea, amending the offense of solicitation of a minor for prostitution to include strict liability and permit police decoys, and clarifying enhanced sentencing for repeat offenders of prostitution-related felonies. Together, these statutory changes significantly boost our state's efforts to combat sex-trafficking, which received a failing grade on Shared Hope International's annual statewide anti-trafficking policy report card last year.

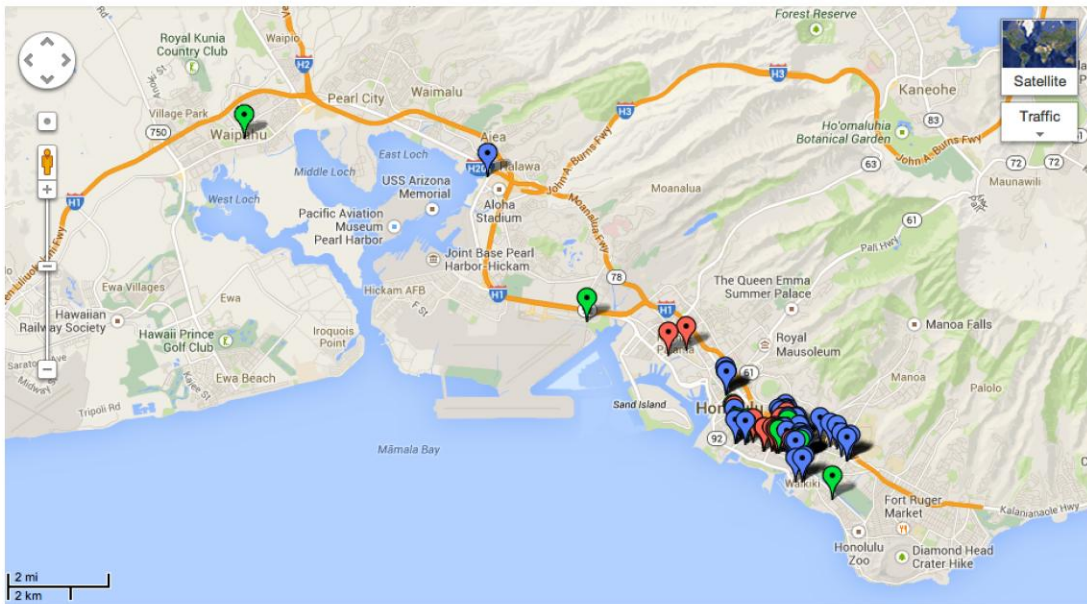
That said, we encourage the committee to add an additional subsection to the bill eliminating the time limitation for a prosecution for promoting prostitution in the first degree (§712-1202), i.e.

sex-trafficking, which involves: a) promoting prostitution through the use of force, threat, fraud or intimidation; or b) promoting prostitution of a person under the age of eighteen. We note that similar proposals are making their way through the Legislature, this session, regarding sexual assault, and contend that deleting the time limitation for first degree promoting prostitution dovetails seamlessly with lawmakers' intent to maximize opportunities to catch sexual predators lurking on our shores and obtain justice for victims of sex crimes. Our requested amendment could be made by adding a new section to the bill, to read:

SECTION . Section 701-108, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) A prosecution for murder, murder in the first and second degrees, attempted murder, and attempted murder in the first and second degrees, criminal conspiracy to commit murder in any degree, [~~and~~] criminal solicitation to commit murder in any degree, **or promoting prostitution in the first degree** may be commenced at any time."

Below is a map compiled by IMUAlliance and PASS showing the location of high-risk sex-trafficking establishments on Oahu (some locations overlap). As you can see, this crime is real, expansive, and demanding attention. Mahalo for the opportunity to testify in support of this bill.



Sincerely,
Kris Coffield
Legislative Director
IMUAlliance



February 10, 2014

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair
Rep. Sharon Har, Vice Chair
Rep. Della Au Belatti
Rep. Mark M. Nakashima
Rep. Tom Brower
Rep. Clift Tsuji
Rep. Richard Creagan
Rep. Jessica Wooley
Rep. Ken Ito
Rep. Bob McDermott
Rep. Derek S.K. Kawakami
Rep. Cynthia Thielen
Rep. Chris Lee

NOTICE OF HEARING

DATE: Thursday, February 13, 2014

TIME: 2:00 p.m.

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

**RE: TESTIMONY IN STRONG SUPPORT OF HB1926
RELATING TO CRIME**

Aloha, Committee on Judiciary:

HB1926 is the culmination of a working group brought together by Sen. Chun-Oakland which included the Hawaii Attorney General's Office, the City Prosecutor, Imua Alliance, and other stakeholders. This bill has been vetted by agencies in attendance over the past 8 months prior to the 2014 Legislative Session.

As you will see, the provisions of this bill are mainly for "housekeeping" as several laws have been enacted to address sex trafficking (promoting prostitution). As our state becomes more efficient in reducing human trafficking, revisions to laws are required to comport with justice. For these reasons, PASS kindly urges you to pass HB1926. Thank you for the opportunity for this hearing.

Sincerely,

Kathryn Xian
Executive Director

February 11, 2014

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair
Senator Sharon E. Har, Vice Chair
Senator Della Au Belatti
Senator Brower
Senator Richard Creagan
Senator Ken Ito
Senator Derek S.K. Kawakami
Senator Chris Lee
Senator Mark M. Nakashima
Senator Clift Tsuji
Senator Jessica Wooley
Senator Bob McDermott
Senator Cynthia Thielen

NOTICE OF HEARING

DATE: Thursday, February 12, 2014
TIME: 2:00 p.m.
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

RE: TESTIMONY IN STRONG SUPPORT OF HB1926
RELATING TO CRIME

Dear Committee on Judiciary,

I am a Masters of Social Work candidate at the University of Hawaii at Manoa and a social work intern at the Women's Community Correctional Center in Kailua. Together with the Pacific Alliance to Stop Slavery and my MSW cohort, I strongly urge your support of House Bill 1926.

It is no mystery that commercial sexual exploitation in the form of human trafficking is alive and well in the state of Hawaii. Since 2007, the National Human Trafficking Hotline has received 250 calls from Hawaii referencing 73 potential victims of human trafficking. As the demand for sexual services increases in our state, so does the demand for victims as commodity. While seeking to rescue these victims is often the first response, the fundamental question is *what happens next?*

Regardless of the amount of time a victim is exploited, the psychological and physical trauma of sex trafficking can last a lifetime. Recovering from the devastating aftermath of sex trafficking is difficult enough for victims; adding the financial burden of paying

for rehabilitative services, such as counseling and medical fees, often leaves recovery out of the question altogether. Many of the inmates I work with at WCCC are survivors of this crime, and I have yet to meet one that does not come from a background of poverty. For the majority of these women, participation in treatment has only occurred in a correctional setting. Providing victim compensation to survivors such as these women can expedite their journey toward recovery, treating victims *before* they potentially enter a correctional setting.

While no amount of money can ease the traumatic aftermath of sex trafficking, victim compensation improves the accessibility of treatment. For many of these survivors, improving the accessibility of treatment is the difference between recovery and pathways of criminal activity or revictimization.

House Bill 1926 further advocates for the recovery of survivors by prohibiting the ability of HPD to use sexual penetration in the course of an investigation. It also holds perpetrators of trafficking more accountable by increasing their penalties, a necessary step in the prevention of future sexual exploitation.

I urge your support of House Bill 1926 as an expression of our commitment to treating victims of sex trafficking.

Thank you for this consideration.

Respectfully,

Sarah Marie Schick
MSW Candidate, 2014
Myron B. Thompson School of Social Work
University of Hawai'i at Manoa

HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Charlene Vasquez	Individual	Comments Only	No

Comments: I support this bill.

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Chula Harrison	Individual	Support	No

Comments: I support this measure.

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Cari Knowles	Individual	Support	No

Comments:

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Ellyn Sollars	Individual	Support	No

Comments: I strongly support this change in the law. Please vote for approval of these changes.

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kelley Lum Oshiro	Individual	Support	No

Comments:

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara S. Yeackel	Individual	Support	No

Comments: Strong support for this legislation.

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Maeve Nicholson	Individual	Support	No

Comments: I support this bill.

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tamara Bitanga	Individual	Support	No

Comments: I strongly support HB 1926

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
James Mateo	Individual	Support	No

Comments: I stand in support of HB1926

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Tahiti Huetter	Individual	Support	No

Comments: I am in support of these measures.

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Zoe Brunn	Individual	Support	No

Comments: I support this bill.

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Peter Mateo	Individual	Support	No

Comments: I am in 100% support of HB1926

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
leslie drechsler	Individual	Support	No

Comments:

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Dear Representatives,

Please vote to affirm the passage of this bill. It is critical that those who are repeat sexual offenders be kept from doing further damage. The process of sentencing them must be clarified and enhanced! It is also very important that this bill be passed so that the process of eliminating the occurrence of solicitation of minors for sex can start now by coming down on the solicitors more heavily! It is also pivotal that the victims of labor and sex trafficking be given compensation so that they are able to start a new life and actually begin to recover from the trauma of the heinous crimes of which they are victims. Please take into account the incredible importance of the topic of this bill and please vote in support of it so that we can eradicate the travesty that is human trafficking in Hawaii! Thank you.

Nadia Besekrus

HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Krystle Ito	Individual	Support	No

Comments:

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
kirsten kerbox	Individual	Support	No

Comments: We need a Sex Trafficking definition. This measure brings us closer but we need to do more.

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rex Huetter	Individual	Support	No

Comments: I support any laws to help eradicate sex trafficking in Hawaii.

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HB1926

Submitted on: 2/11/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Maureen King	Individual	Support	No

Comments: I support HB1926 for allowing for crime victim compensation for labor trafficking in the first degree promoting prostitution in the first degree.

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**Office of the Public Defender
State of Hawaii
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary**

February 13, 2014, 2:00 p.m.

LATE

H.B. No. 1926: RELATING TO CRIME

Chair Rhoads and Members of the Committee:

The Office of the Public Defender opposes Sections 3 and 6 of H.B. 1926.

Section 3 makes two significant changes to the law which this legislature passed just last year. The first change is found on page 3, line 13, which prohibits the solicitation of a minor or another person representing themselves as a minor to the defendant. We testified about this scenario last year in hearings before this committee. We believe this change is being requested in order to allow police officers pose as prostitutes under the age of eighteen. The state should be required to prove beyond a reasonable doubt that the defendant intentionally, knowingly or recklessly offered or agreed to pay a fee to a minor to engage in sexual conduct. A defendant may be told by a prostitute or undercover police officer that she is a minor, and not believe her claim. It may be obvious to the defendant, who would never engage in sexual conduct with a minor, that the other person is not under the age of eighteen. While the defendant may offer or agree to engage in sexual conduct with the other person believing that the person is not a minor, under this measure, he will have committed the offense of soliciting a minor for prostitution.

The second change proposed to Section 3 is found on page 4, line 4, which makes the state of mind of a defendant irrelevant. In other words, if the prostitute claims to be an adult, and even if she produced false identification to the defendant proving she was eighteen or older, the defendant could not claim that he believed the prostitute was not a minor. This law should be directed at individuals who prey on minors, not those that are mistaken, and would not have any intent to engage in sexual conduct with a minor.

In Section 6, the change proposed on page 14, line 1 is to disallow a deferred acceptance of no contest or guilty plea for the offense of solicitation of a minor for prostitution. While we understand that the misdemeanor offense of prostitution was added to the list of offenses which are not eligible for deferred prosecutions, we believe that because this offense is classified as a class C felony, and requires a person convicted of this offense to register as a sex offender, a deferral should be one of the sentencing options the court should have at its discretion. It is very possible that an eighteen year old high school senior could be convicted of a felony and be required to register as a sex offender for offering or agreeing to pay a fee to a person a year or less than his junior. If this committee is intent on denying a defendant the opportunity to defer the charges, solicitation of a minor for prostitution should be removed from the list offenses requiring sex offender registration.

Thank you for the opportunity to be heard on this matter.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

LATE



**THE HONORABLE KARL RHOADS, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai'i**

February 13, 2014

RE: H.B. 1926; RELATING TO CRIMINAL PROCEDURE.

Chair Rhoads, Vice Chair Har, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in expressing concerns to H.B. 1926.

The Department supports the law enforcement agencies' concerns on the language in p. 3, lines 6-7 that places a law enforcement officer at risk of being in violation of the prostitution law in Section 712-1200, HRS where a prostitute "cop checks" a law enforcement officer by ensuring there is penetration of her genitals by a part of the officer's body, which includes his or her hands. If such a law is enacted, law enforcement may no longer do undercover work on prostitution because of the risk of criminal liabilities placed on their officers.

For all of these reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu expresses concerns on H.B. 1926. Thank for you the opportunity to testify on this matter.

LATE

HB1926

Submitted on: 2/13/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Noel Gibeau	Individual	Support	No

Comments: It's about time we made some progress in this legislation. Frankly, I'm embarrassed that it has taken us this long. How can we say we protect our youth when something like this continues to occur at disgustingly high rates and we refuse to even acknowledge.

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LATE

HB1926

Submitted on: 2/12/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Arielle Ragasa	Individual	Support	No

Comments:

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LATE TESTIMONY

HB1926

Submitted on: 2/13/2014

Testimony for JUD on Feb 13, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kirsten Baumgart Turner	Individual	Support	Yes

Comments:

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LATE TESTIMONY

Good Afternoon Chair, Vice Chair and committee members

My name is Kaleo Schneider, I am representing Courage Worldwide Hawaii. I am the Educational Coordinator and Trainer for CWWH.

Please forgive me for not submitting this testimony earlier. I will be reading my testimony so as not to leave anything out.

I am in full support of this measure and I will tell you why.

I'm especially heartened that this bill increases the penalty for soliciting minors to a B felony, eliminates the mistake of age defense for johns who prey on children, and permits police to use decoys to conduct stings targeting child predators. These changes help bring Hawaii's prosecution of child sex-trafficking into alignment with national trends and expectations. Last year, Shared Hope International, one of the nation's most visible anti-sex-trafficking organizations, gave our state an 'F' for the third time on its annual policy report card, in part because we lack these specific laws. I encourage you to remember that trafficking victims are often exploited in multiple states, which makes it important that each and every state have laws that are in sync with one another. To ensure that perpetrators are held fully accountable, no matter where they commit their crimes.

I also support IMUAlliance's proposed amendment to eliminate the time limitation for promoting prostitution in the first degree, which is our state's current sex-trafficking law. Since the pain and suffering caused by exploitation have no cutoff date, often lasting a lifetime, the opportunity to bring traffickers to justice should have no deadline either.

I strongly support this bill.

Thank you