

NEIL ABERCROMBIE  
GOVERNOR



DWIGHT TAKAMINE  
DIRECTOR

AUDREY HIDANO  
DEPUTY DIRECTOR

MILA KA'AHANUI  
EXECUTIVE DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
**OFFICE OF COMMUNITY SERVICES**  
830 PUNCHBOWL STREET, ROOM 420  
HONOLULU, HAWAII 96813  
[www.hawaii.gov/labor](http://www.hawaii.gov/labor)  
Phone: (808) 586-8675 / Fax: (808) 586-8685  
Email: [dhir.ocs@hawaii.gov](mailto:dhir.ocs@hawaii.gov)

February 4, 2013

To: The Honorable Della Au Belatti, Chair  
House Committee on Health

The Honorable Mele Carroll, Chair  
House Committee on Human Services

Date: Tuesday, February 5, 2013

Time: 11:00 a.m.

Place: Conference Room 329, State Capitol

From: Mila Kaahanui, MSW  
Executive Director  
Office of Community Services (OCS)

## **TESTIMONY IN SUPPORT**

### **Testimony for House Bill 874, RELATING TO CHILD VICTIMS OF SEX AND LABOR TRAFFICKING**

#### **I. OVERVIEW OF PROPOSED LEGISLATION**

The present bill proposes amendments to Chapter 350-1, Hawaii Revised Statutes to include Labor and Sex Trafficking as defined by Chapter 707 and 712, respectively, as reportable offenses.

The Office of Community Services supports this bill, with a few comments.

#### **II. CURRENT LAW**

The Office of Community Services (OCS) is charged to facilitate and enhance the delivery of service to low-income, immigrant, refugee, and other disadvantaged populations.

Currently, trafficking victims are serviced through a number of different programs provided by OCS, non-profits, and the Department of Human Services.

### **III. COMMENTS ON HOUSE BILL**

OCS believes this bill will assist in identifying new cases of human trafficking and allow the State to begin the long process of rehabilitation for the victims. Immigrant and low-income communities, often in tight quarters, oftentimes provide more immediate recognition of abuse, neglect, and other crimes than simple random patrolling can provide.

We believe this administration measure to be clarifying legislation, as it seeks to include specific definitions and references to the appropriate trafficking statutes in complementary sections.

Also, in order to provide a continuum of services and ensure these heinous acts are prosecutable to the fullest extent of the law, measures should be taken to involve officials at the Federal level. Current funding sources from the Federal government rely on adult victims being “certified” in order to receive many forms of assistance as well as their specialized visa. Minor victims do not require certification but do need an eligibility letter. OCS will work with DHS to provide efficient, longitudinal service.

Finally, recognition of trafficking may be more difficult for persons not trained to detect these warning signs than other crimes such as physical abuse. We suggest accompanying targeted outreach and education for high-risk populations and professionals subject to reporting requirements. OCS believes the ability of communities and professionals to separate trafficking from the array of accompanying types of offenses will play a large part in the success of any automatic reporting requirement for this crime.

# HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 702 Honolulu, Hawaii 96813

Phone: (808) 531-2198 Fax: (808) 534-1199

Web site: <http://www.hysn.org> E-mail: [info@hysn.org](mailto:info@hysn.org)

Daryl Selman, President  
Judith F. Clark, Executive Director  
Aloha House  
American Civil Liberties Union of Hawaii  
Bay Clinic, Inc.  
Big Brothers Big Sisters of Honolulu  
Big Island Substance Abuse Council  
Blueprint for Change  
Bobby Benson Center  
Catholic Charities Hawaii  
Child and Family Service  
Coalition for a Drug Free Hawaii  
Domestic Violence Action Center  
EPIC, Inc.  
Family Support Hawaii  
Hale Kipa, Inc.  
Hale 'Opio Kauai, Inc.  
Hawaii Behavioral Health  
Hawaii Student Television  
Healthy Mothers Healthy Babies Coalition  
Hina Mauka Teen Care  
Hui Malama Learning Center  
Kahi Mohala Behavioral Health  
KEY (Kualoa-Heeia Ecumenical Youth)  
Project  
Kids Hurt Too  
Kokua Kalihi Valley  
Life Foundation  
Marimed Foundation  
Maui Youth and Family Services  
Palama Settlement  
P.A.R.E.N.T.S., Inc.  
Parents and Children Together (PACT)  
Planned Parenthood of Hawaii  
REAL  
Salvation Army Family Intervention Svcs.  
Salvation Army Family Treatment Svcs.  
Sex Abuse Treatment Center  
Susannah Wesley Community Center  
The Catalyst Group  
The Children's Alliance of Hawaii  
Waikiki Health Center  
Women Helping Women  
YWCA of Kauai

February 4, 2013

To: Representative Bella Au Belatti, Chair  
And members of the Committee on Health

Representative Mele Carroll, Chair,  
And members of the Committee on Human Services

## **Supporting the Intent of HB 874 Relating to Child Victims of Sex and Labor Trafficking**

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports the intent of HB 874 Relating to Child Victims of Sex and Labor Trafficking.

Hawaii's existing child abuse and neglect reporting statutes are adequate and allow the State of Hawaii to appropriately intervene to protect the safety and promote the well-being of minors who are victims of child abuse and neglect,

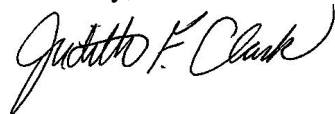
Our understanding is that this bill intends for Child Protective Services to intervene only if family or household members are involved in the sexual or labor trafficking of a minor in their care. Department of Human Services would not be responsible for trafficking of minors by persons who are not household or family members.

HYSN recommends that the language of the bill be carefully reviewed to ensure that it does not inadvertently affect the ability of medical and social service providers to meet the needs of victims of rape and sexual assault; runaway and homeless youth; and youth people at risk of HIV and other sexually transmitted infections.

Persons providing services to victims of rape or sexual abuse, conducting outreach to youth at risk of HIV and other sexually transmitted infections, and working with runaway/homeless youth must be able to provide confidential services. Without confidentiality, many rape/sexual assault survivors will not seek medical care or counseling, and it is difficult to develop the kind of trusting relationships that lead to youth accepting help and leaving the streets for safe and appropriate living arrangements.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH  
Executive Director

### ***Human trafficking special fund***

**§346- Human trafficking special fund. (a) There is established within the state treasury a special fund to be known as the human trafficking special fund to be administered and expended by the department of human services.**

**(b) The moneys in the special fund shall be reserved for use by the department of human services for programs and grants or purchases of service consistent with chapter 42D that support or provide services to victims of labor trafficking and promoting prostitution in the first degree under 712-1202 as authorized by law, provided that the department shall give priority to programs that provide services and treatment to persons confirmed to be minor victims of labor trafficking or promoting prostitution. Moneys in the special fund shall be used for new or existing programs and shall not supplant any other moneys previously allocated to these programs.**

**(c) Income tax remittances allocated under section 235-102.5, interest and investment earnings attributable to the moneys in the special fund, and grants, donations, and contributions from private or public sources for the purposes of the fund, shall be deposited into the special fund.**

**(d) The department of human services shall submit an annual report to the legislature no later than twenty days prior to the convening of each regular session providing the following:**

**(1) An accounting of the receipts of, and expenditures from, the special fund; and**

**(2) Recommendations on how to improve services for victims of labor trafficking and promoting prostitution in the first degree.**

### ***Income tax check-off for human trafficking special fund***

**§235-102.5 Income check-off authorized. (a) Any individual whose state income tax liability for any taxable year is \$3 or more may designate \$3 of the liability to be paid over to the Hawaii election campaign fund, any other law to the contrary notwithstanding, when submitting a state income tax return to the department. In the case of a joint return of a husband and wife having a state income tax liability of \$6 or more, each spouse may designate that \$3 be paid to the fund. The director of taxation shall revise the individual state income tax form to allow the designation of contributions to the fund on the face of the tax return and immediately above the signature lines. An explanation shall be included which clearly states that the check-off does not constitute an additional tax liability. If no designation was made on the original tax return when filed, a designation may be made by the individual on an amended return filed within twenty months and ten days after the due date for the original return for such taxable year. A designation once made whether by an original or amended return may not be revoked.**

**(b) Notwithstanding any law to the contrary, any individual whose state income tax refund for any taxable year is \$2 or more may designate \$2 of the refund to be deposited into the school-level minor repairs and maintenance special fund established by section 302A-1504.5, when submitting a state income tax return to the department. In the case of a joint return of a husband and wife having a state income tax refund of \$4 or more, each spouse may designate that \$2 be deposited into the special fund. The director of taxation shall revise the individual state income tax return form to allow the designation of contributions to the special fund on the face of the tax return and immediately above the signature lines. If no designation was made on the original tax return when filed, a designation may be made by the individual on an amended return filed within twenty months and ten days after the due date for the original return for such taxable year. A designation once made, whether by an original or amended return, may not be revoked.**

(c) Notwithstanding any law to the contrary, any individual whose state income tax refund for any taxable year is \$2 or more may designate \$2 of the refund to be paid over to the libraries special fund established by section 312-3.6, when submitting a state income tax return to the department. In the case of a joint return of a husband and wife having a state income tax refund of \$4 or more, each spouse may designate that \$2 be deposited into the special fund. The director of taxation shall revise the individual state income tax form to allow the designation of contributions to the fund on the face of the tax return and immediately above the signature lines. If no designation was made on the original tax return when filed, a designation may be made by the individual on an amended return filed within twenty months and ten days after the due date for the original return for such taxable year. A designation once made, whether by an original or amended return, may not be revoked.

(d) Notwithstanding any law to the contrary, any individual whose state income tax refund for any taxable year is \$5 or more may designate \$5 of the refund to be paid over as follows:

(1) One-third to the Hawaii children's trust fund under section 350B-2; and

(2) Two-thirds to be divided equally among:

(A) The domestic violence and sexual assault special fund under the department of health in section 321-1.3;

(B) The spouse and child abuse special account under the department of human services in section 346-7.5; and

(C) The spouse and child abuse special account under the judiciary in section 601-3.6.

When designated by a taxpayer submitting a state income tax return to the department, the department of budget and finance shall allocate the moneys among the several funds as provided in this subsection. In the case of a joint return of a husband and wife having a state income tax refund of \$10 or more, each spouse may designate that \$5 be paid over as provided in this subsection. The director of taxation shall revise the individual state income tax form to allow the designation of contributions pursuant to this subsection on the face of the tax return and immediately above the signature lines. If no designation was made on the original tax return when filed, a designation may be made by the individual on an amended return filed within twenty months and ten days after the due date for the original return for such taxable year. A designation once made, whether by an original or amended return, may not be revoked.

(e) Notwithstanding any law to the contrary, any individual whose state income tax refund for any taxable year is \$2 or more may designate \$2 of the refund to be deposited into the human trafficking special fund established under section 346- when submitting a state income tax return to the department. In the case of a joint return of spouses having a state income tax refund of \$4 or more, each spouse may designate that \$2 be deposited into the human trafficking special fund. The director of taxation shall revise the individual state income tax return form to allow the designation of contributions to the human trafficking special fund on the face of the tax return and immediately above the signature lines. An explanation shall be included that clearly states that the designation does not constitute an additional tax refund. If no designation was made on the original tax return when filed, a designation may be made by the individual on an amended return filed within twenty months and ten days after the due date for the original return for such taxable year. A designation once made, whether by an original or amended return, shall not be revoked."



# THE SEX ABUSE TREATMENT CENTER

*A Program of Kapi'olani Medical Center for Women & Children*

*Executive Director*  
Adriana Ramelli

*Advisory Board*

*President*  
Mimi Beams

*Vice President*  
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Donne Dawson

Dennis Dunn

*Councilmember*  
Carol Fukunaga

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Phyllis Muraoka

Gidget Ruscetta

**DATE:** February 5, 2013

**TO:** The Honorable Della Au Belatti, Chair  
The Honorable Dee Morikawa, Vice Chair  
House Committee on Health

The Honorable Mele Carroll, Chair  
The Honorable Bertrand Kobayashi, Vice Chair  
House Committee on Human Services

**FROM:** Adriana Ramelli, Executive Director  
The Sex Abuse Treatment Center

**RE:** H.B. 874  
Relating to Child Victims of Sex and Labor Trafficking

Good afternoon Chair Belatti, Vice Chair Morikawa and members of the House Committee on Health; and Chair Carroll, Vice Chair Kobayashi and members of the House Committee on Human Services. My name is Adriana Ramelli and I am the Executive Director of the Sex Abuse Treatment Center (SATC), a program of the Kapi'olani Medical Center for Women & Children (KMCWC), an affiliate of Hawai'i Pacific Health.

SATC supports H.B. 874 to amend sections 350-1 and 587A-4 of the Hawai'i Revised Statutes to expressly include sex trafficking of a minor in the definitions of "child abuse or neglect" and "harm".

SATC serves many young victims of sexual violence every year. We have known that the Department of Human Services (DHS) is cognizant of the problem of sex trafficking and currently responds to reports under their jurisdiction. If a minor discloses that she or he is the victim of sex trafficking, SATC will make a report to DHS if the parent or legal caregiver is directly involved in the allegations or fails to protect the child from the harm, which may be indicative of child abuse or neglect under the statute.

It is our understanding that this bill does not expand the jurisdiction of DHS or substantively change the mandated reporting requirements. Instead, these amendments provide clarification that sex trafficking of a minor is a reportable act when the acts or omissions are perpetrated by a parent or legal caregiver and that these victims will be provided with the appropriate services within the scope of DHS.

As a center that deals with the reporting of child sex abuse on a regular basis, we are aware that there is sometimes confusion around the jurisdiction of DHS. In cases of sex trafficking, if the parent or legal caregiver is a part of the allegations by way of abuse or neglect, it is our understanding that DHS will take the case. But, if the parent or legal caregiver knew nothing about the child's whereabouts or trafficking situation,

or tried their best to be protective, it is our understanding that DHS will not get involved. Given this, we believe that a public awareness campaign to clarify the role of DHS in human trafficking cases should be undertaken to dispel any misconceptions.

Thank you for this opportunity to testify.



February 4, 2013

COMMITTEE ON HUMAN SERVICES

Rep. Mele Carroll, Chair  
Rep. Bertrand Kobayashi, Vice Chair  
Rep. Della Au Belatti  
Rep. Dee Morikawa  
Rep. Rida T.R. Cabanilla  
Rep. Justin H. Woodson  
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COMMITTEE ON HEALTH

Rep. Della Au Belatti, Chair  
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Rep. Rida T.R. Cabanilla  
Rep. Bertrand Kobayashi  
Rep. Mele Carroll  
Rep. Justin H. Woodson  
Rep. Jo Jordan  
Rep. Lauren Kealohilani Cheape

Testimony by Linda Smith, Founder and President, Shared Hope International  
Washington State Rep. (1983-87), Senator (1987-94), U.S. Congress (1995-99)  
Re: SUPPORT OF HB874 RELATING TO CHILD VICTIMS OF SEX AND LABOR TRAFFICKING  
DATE: Tuesday, February 5, 2013  
TIME: 11:00 a.m.  
PLACE: Conference Room 329, State Capitol, 415 South Beretania Street

Dear Committees on Human Services and Health:

Shared Hope International has worked since 1998 around the world alongside first responders and policymakers to fight domestic minor sex trafficking. Under a U.S. Department of Justice grant, Shared Hope researched child sex trafficking in the U.S. and published our findings in *The National Report on Domestic Minor Sex Trafficking: America's Prostituted Children* in 2009. Our ongoing independent research in other U.S. locations confirms the original conclusions of that report and continues to add to the body of knowledge about U.S. child sex trafficking. Our research aligns with the best estimate that at least 100,000 children are being exploited through prostitution every year in the United States and that the average age of entry is 13 years of age. While we know that homeless and runaway youth are a targeted segment of the population, we have found that children from all types of home environments and socioeconomic statuses are also vulnerable to the interpersonal approaches used by traffickers who



pose as boyfriends, recruiters for modeling agencies, and the like. Regrettably, even today, Americans are unaware of the prevalence of sex trafficking here in our own country, of our own citizens. Most still think it happens in third world countries, or it happens only to foreign nationals here.

We have heard too many stories like that of Ann. Ann had two girlfriends over for a sleepover on her 13th birthday and they slipped out of the house to go to a party. A 23-year-old who said he was 18 took an interest in her and over a period of months convinced her of his love. For many months, Ann led a shadow life to cover for time spent in the relationship—sporadically attending school, joining after school sports but rarely showing up, reporting a family phone number change to the school office that, in reality, was the boyfriend’s cell phone. Then he took her away and manipulated her into prostitution, the control of “love” turning into the control of violence and intimidation.

Child welfare services are often foreclosed from responding to the victim due to the statutory definitions directing their mandates. The terms “abuse and neglect” and “caregiver” (or similar depending on the state) hold the key to a system response. It became clear that the solution rested at the state level. Ensuring a comprehensive legal framework in each state that included opening up these definitions to include child sex trafficking became a priority for Shared Hope International.

We designed the Protected Innocence Initiative to measure each state’s laws against a framework of minimum legal components essential to protect children from sex trafficking and bring access to justice and services to those exploited. A report card is issued for each state and Washington D.C. on legislative responses to domestic minor sex trafficking. Hawaii regrettably received one of the lowest grades two years in a row—an “F” — largely as a result of the absence of a specific human trafficking law making it a crime to exploit minors under 18 through prostitution, pornography or sexual performance and providing comprehensive victim services, protections and rights. **HB 874** has the potential to bring the victims of child sex trafficking within the protections intended to be provided by child welfare and social services by adding sex and labor trafficking to the forms of abuse and harm.

We encourage you to take this step toward knocking down the system barriers that are preventing victims of commercial sexual exploitation and labor trafficking from receiving the same protections and care as a victim of other forms of child sexual and physical abuse.

Sincerely,



Founder and President, Shared Hope International

Washington State Rep. (1983-87), Senator (1987-94), U.S. Congress (1995-99)

**morikawa2 - Shaun**

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**From:** Edward Thompson, III on behalf of HUS testimony  
**Sent:** Monday, February 04, 2013 6:03 PM  
**To:** HLTtestimony  
**Subject:** FW: Testimony in STRONG SUPPORT of HB874

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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From: Jan Cook [<mailto:jancook@aloha.com>]  
Sent: Monday, February 04, 2013 6:03 PM  
To: HUS testimony  
Subject: Testimony in STRONG SUPPORT of HB874

### **Testimony in STRONG SUPPORT of HB874**

#### RELATING TO CHILD VICTIMS OF SEX AND LABOR TRAFFICKING

Ensures that the Department of Human Services provides the necessary services to Hawaii's youth who are victims of sex and labor trafficking.

Dear Committees on Human Services and Health:

I am in strong support of HB874. There are no specific services tailored for survivors of child sex trafficking in Hawaii. These children have fallen through the cracks for far too long. They are children and they are victims. Adult pimps and "Johns" are the criminals, not these abused children. They need laws to protect them and to allow for the services they need to restore their lives.

I am an active supporter of The Pacific Alliance to Stop Slavery, (PASS) as well as Courage House Hawaii and Shared Hope International. Earlier this year, Shared Hope International gave Hawaii an "F". We are second worst in the nation in protecting child victims of sex trafficking by law. We need to change that immediately.

Aloha,

Jan Cook

**morikawa2 - Shaun**

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**From:** kobayashi1-Joni on behalf of HUS testimony  
**Sent:** Monday, February 04, 2013 6:32 PM  
**To:** HLTtestimony  
**Subject:** FW: Submitted testimony for HB874 on Feb 5, 2013 11:00AM

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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From: [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov) [mailto:[mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)]  
Sent: Monday, February 04, 2013 6:31 PM  
To: HUS testimony  
Cc: [tahitihuetter@gmail.com](mailto:tahitihuetter@gmail.com)  
Subject: Submitted testimony for HB874 on Feb 5, 2013 11:00AM

**HB874**

Submitted on: 2/4/2013

Testimony for HUS/HLT on Feb 5, 2013 11:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tahiti Huetter	Individual	Support	No

Comments: Testimony in STRONG SUPPORT of HB874 RELATING TO CHILD VICTIMS OF SEX AND LABOR TRAFFICKING Ensures that the Department of Human Services provides the necessary services to Hawaii's youth who are victims of sex and labor trafficking. Dear Committees on Human Services and Health: I am in strong support of HB874. There are no specific services tailored for survivors of child sex trafficking in Hawaii. These children have fallen through the cracks for far too long. They are children and they are victims. Adult pimps and "Johns" are the criminals, not these abused children. They need laws to protect them and to allow for the services they need to restore their lives. I am an active supporter of The Pacific Alliance to Stop Slavery, (PASS) as well as Courage House Hawaii and Shared Hope International. Earlier this year, Shared Hope International gave Hawaii an "F". We are second worst in the nation in protecting child victims of sex trafficking by law. We need to change that immediately. Aloha, Tahiti Huetter

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.

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The State of Hawaii received a grade of "F" or 40% out of 100% on Shared Hope International's domestic report card for protecting minor sex trafficking victims. As citizens of this beautiful state, we see paradise all around us, but when it comes to protecting our children from insidious harm we fall gravely short. Gaps in Hawaii's laws do not adequately provide protection for victims of child abuse and/or neglect stemming from sex and labor trafficking. As elected officials and representatives of the people of Hawaii, we seek your help to update the state laws that pertain to our Departments of Health and Human Services. Sexually and labor exploited children, regardless of their citizenship status, need special care and a multi-disciplinary treatment approach to include counseling, health care, substance abuse treatment, educational opportunities, and a safe environment secure from their predators. Including sex and labor trafficking in the definitions of harm in section 350-1, Hawaii Revised Statutes, and section 587A-4, Hawaii Revised Statutes, will allow appropriate reporting and subsequent action by health and human services professionals. I am a proud volunteer with Courage House Hawaii, a blossoming non-profit organization dedicated to building a safe place in Hawaii where minor victims of sex trafficking can heal physically, emotionally, and spiritually. Our home is part of Courage Worldwide which is committed to establishing a network of safe houses around the globe to increase awareness education, community partnerships, and residential care to assist this highly vulnerable population in their recovery and restoration from horrific trauma and degradation. Please help by supporting these critical amendments to ensure provision of the necessary and appropriate care by the child welfare services branch. Thank you very much for your important consideration and assistance.

Kaleo Schneider

**morikawa2 - Shaun**

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**From:** Edward Thompson, III on behalf of HUS testimony  
**Sent:** Tuesday, February 05, 2013 8:26 AM  
**To:** HLTtestimony  
**Subject:** FW: Submitted testimony for HB874 on Feb 5, 2013 11:00AM

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From: [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov) [mailto:[mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)]  
Sent: Monday, February 04, 2013 8:21 PM  
To: HUS testimony  
Cc: [mypillbuggy@gmail.com](mailto:mypillbuggy@gmail.com)  
Subject: Submitted testimony for HB874 on Feb 5, 2013 11:00AM

**HB874**

Submitted on: 2/4/2013

Testimony for HUS/HLT on Feb 5, 2013 11:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marisa Nguyen	Individual	Support	No

Comments: Please support HB874- RELATING TO CHILD VICTIMS OF SEX AND LABOR TRAFFICKING. It is vitally important that Hawaii pass laws that help minor victims of sex and labor trafficking. Please stand up for these children by supporting 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.

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