



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OFFICE OF COMMUNITY SERVICES
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February 14, 2013

To: The Honorable Clayton Hee, Chair
Senate Committee on Judiciary and Labor

Date: Friday, February 15, 2013
Time: 10:00 am
Place: Conference Room 016, State Capitol

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

Good Morning Chair Hee,

The Office of Community Services supports S.B. 192

Testimony for Senate Bill 192, Relating to Prostitution

I. OVERVIEW OF PROPOSED LEGISLATION

The bill proposes to amend HRS Chapter 712 by adding a section criminalizing the solicitation of a minor for prostitution and specifying penalties and definitions. It also proposes to amend §663J-7 to increase the statute of limitations to bring a cause of action from 2 to 6 years. It proposes to amend §712-1200(4), specifying sentence and fines for persons convicted of this offense. It amends §712A-4 to include promoting prostitution, solicitation and habitual solicitation of a minor for prostitution, and solicitation near school and public parks as offenses for which property is subject to forfeiture. Finally, it amends §846E-1(3)(F) by including the proposed language in existing definitions of sexual offense.

II. COMMENTS ON SENATE BILL

While not experts in the Hawaii Penal Code, as advocates for the disadvantaged in our State, we urge your support of this bill. Protecting children and holding perpetrators accountable to the greatest extent possible is a duty and responsibility to the most vulnerable in our community; our children.

We urge your support of S.B. 192 and thank you for your consideration.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



THE HONORABLE KARL RHOADS, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai'i

February 15, 2013

RE: S.B. 192; RELATING TO PROSTITUTION.

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 (Department) submits the following testimony in support of S.B. 192.

S.B. 192 does the following:

1. Makes solicitation of a minor for prostitution a crime.
2. Increases the statute of limitations to bring a cause of action for coercion into prostitution from two to six years.
3. Clarifies the minimum and maximum fine for a person convicted of committing the offense of prostitution.
4. Adds the offenses of solicitation of a minor for prostitution, habitual solicitation of prostitution, and solicitation of prostitution near schools and public parks under the State's forfeiture laws.
5. Amends the definition of "sexual offense" under the sexual offender registry laws to include acts that consist of the solicitation of a minor who is less than eighteen years of age for prostitution.

The Department of the Prosecuting Attorney of the City and County of Honolulu has been working with advocates who work to protect females who are lured or forced into prostitution. The legislative proposals in S.B. 192 will play a role in discouraging the demand for prostitution.

As evidenced in much of our legislative proposals, besides prosecution, the Department is a strong advocate for education, prevention, and rehabilitation programs as well. We will continue to support such programs that focus on prostitution and issues related to prostitution for our community.

For these reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports S.B. 192. Thank you for the opportunity to testify on this matter.



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

TESTIMONY FOR SENATE BILL 192, RELATING TO PROSTITUTION

Senate Committee on Judiciary and Labor
Hon. Clayton Hee, Chair
Hon. Maile S.L. Shimabukuro, Vice Chair

Friday, February 15, 2012, 10:00 AM
State Capitol, Conference Room 016

Honorable Chair Hee 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 SB 192, relating to prostitution.

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 “end demand” legislation that targets those persons responsible for financing commercial sexual exploitation, namely pimps and johns. Though it may sound callous to the casual ear, sex-trafficking is a business, albeit an illicit one. As such, it operates on the principles of free enterprise. When profits disappear, problematic establishments follow suit. One of the most efficient means of stifling the commercial sex trade, then, is to target

the “johns” who provide the monetary incentive for criminal activity. Comprehensive “end demand” legislation increases the penalties associated with paying for sex, thereby hiking the opportunity cost of soliciting prostitution. In Hawaii, this should include, at the very least, clarifying the financial penalty range for soliciting prostitution to be no less than \$500 and no more than \$1,000, while subjecting habitual perpetrators and those who solicit prostitution near schools and public parks to asset forfeiture procedures.

Additionally, in nearly every facet of the law, minors are given special status. This is especially clear with regard to high-publicity sex crimes that are predicated upon age of consent, like statutory rape. Despite having criminalized electronic enticement of a child in 2002, however, Hawaii currently lacks enhanced penalties for predators who offer to pay minors for sexual conduct, leading, in part, to Shared Hope International giving our state an 'F' grade regarding protections for victims of commercial sexual exploitation. In theory, electronic enticement regulations could be used to prosecute solicitation of prostitution from a minor, provided that the defendant used an electronic device (typically, a computer or cell phone) to communicate his or her intent. Not all solicitation is transmitted electronically, though, nor are electronic communications easy to track. Thus, the most sensible solution is a broad policy covering, and severely penalizing, any solicitation of minors, no matter what form it takes—exactly as included in this bill, which creates the offense of “soliciting a minor for prostitution,” currently graded as a class C felony in the proposed measure, punishable by five years in prison and a mandatory \$2,500 fine. That said we encourage you to amend the newly crafted “solicitation of prostitution from minors” law to establish strict liability by circumscribing use of the so-called “mistake of age” defense, clarifying the applicable state of mind, upgrading the law's felony classification, and mandating indeterminate sentencing (the same type of flexible sentencing associated with our state's electronic enticement statutes). For the record, the upped grade of offense makes the new law consonant with our state's first degree electronic enticement law (HRS 707-756), which is graded as a class B felony *if it involves the intent to commit a sex crime* (a crime punishable by forced enrollment on the state's sex offender registry): “**§712-Solicitation of a minor for prostitution.** (1) A person commits the offense of solicitation of a minor for prostitution if the person intentionally, knowingly, or recklessly offers or agrees to pay a fee to a minor to engage in sexual conduct.

(2) Solicitation of a minor for prostitution is a class ~~C~~ B felony. Notwithstanding any law to the contrary, a person convicted of electronic enticement of a child in the first degree shall be sentenced to an indeterminate term of imprisonment as provided by law.

(3) A person convicted of committing the offense of solicitation of a minor for prostitution shall be imposed a fine of not less than \$2,000; provided that \$2,000 of the imposed fine shall be credited to the general fund.

(4) It shall not be a defense to a prosecution for solicitation of a minor for prostitution that the defendant did not know the victim was under the age of eighteen.

~~{(4)}~~ (5) For purposes of this section:

"Minor" means a person who is less than eighteen years of age.

"Sexual conduct" has the same meaning as in section 712-1200(2)."

"Victim" means the person against whom an offense specified in this section has been committed.

Similarly, the Internet has become the predominant vehicle for commercial sex advertising. Every day, 250-300 (or approximately 100,000 annually) ads publicizing local 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 (see below). 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 online advertisements for prostitution. Newly articulated judicial precedent 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. Accordingly, we encourage you to amend this bill to create the misdemeanor offense of "advertising for prostitution," thereby criminalizing the creation and distribution of advertisements for prostitution, as well as the purchase of space for the publication of such advertisements. To be clear, this proposal would apply to any form of electronic, print, or broadcast media, effectively crippling sex traffickers', prostitution promoters', and pimps' ability to advertise their crimes to the public. In our view, the following language would adequately enact this legal change: **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.

We also respectfully request that the bill be used as a vehicle for making a claim of coerced prostitution an affirmative defense to the crime of prostitution under 712-1200(1)(a), which refers to engaging in, or agreeing or offering to engage in, sexual conduct with another person for a fee, but *excludes* solicitation from johns: Section 712-1200 is amended by adding a new subsection (d) to read as follows: (d) Affirmative defense:

(1) In any prosecution for an offense described in section 712-1200(1)(a), a defendant may assert the affirmative defense that the prostitution activity in question was compelled or induced by force, threat, fraud, or intimidation.

(2) If the defendant asserts the affirmative defense, the defendant shall have the burden of going forward with evidence to prove the facts constituting such defense unless such facts are supplied by the testimony of the prosecuting witness or circumstance in such testimony, and of proving such facts by a preponderance of evidence.

(3) As used in this section:

"Fraud" means making material false statements, misstatements, or omissions.

"Threat" means any of the actions listed in section 707-764(1).

Finally, we urge you to consider using this bill as a vehicle for expanding the available investigative tools for law enforcement and prosecutors by eliminating the adversarial hearing required for employment of wiretapping evidence in the course of a prosecution, which, according to conversations with the Attorney General's Office and Honolulu Prosecutor's Office currently disincentivizes use of wiretapping at the state and county level: 803-46: (i)(1) Any aggrieved person in any trial, hearing, or proceeding in or before any court, department, officer, agency, regulatory body, or other authority of this State, or a political subdivision thereof, may move to suppress the content of any intercepted wire, oral, or electronic communication, or evidence derived therefrom, on the grounds that:

(A) The communication was unlawfully intercepted;

(B) The order of authorization or approval under which it was intercepted is insufficient on its face; or

(C) The interception was not made in conformity with the order of authorization or approval.

Such motion shall be made before the trial, hearing, or proceedings unless there was no opportunity to make such motion or the person was not aware of the grounds of the motion. If

~~the motion is granted, the contents of the intercepted wire, oral, or electronic communication, or evidence derived therefrom, shall be treated as having been obtained in violation of this part. The court, or other official before whom the motion is made, upon the filing of the motion by the aggrieved person, may make available to the aggrieved person or the aggrieved person's counsel for inspection portions of the recording that contain intercepted communications of the defendant or evidence derived therefrom, the applications, orders, transcript of testimony, and such additional evidence as the court determines to be in the interest of justice.~~

~~[(2)] In addition to any other right to appeal the State shall have the right to appeal:~~

~~(A) From an order granting a motion to suppress made under paragraph (1) of this subsection if the attorney general or prosecuting attorney of a county, or their designated representatives, shall certify to the designated judge or other official granting the motion that the appeal shall be taken within thirty days after the date the order of suppression was entered and shall be diligently prosecuted as in the case of other interlocutory appeals or under such rules as the supreme court may adopt;~~

~~[(B)] From an order denying an application for an order of authorization or approval, and such an appeal shall be in camera and in preference to all other pending appeals in accordance with rules promulgated by the supreme court.~~

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

February 12th 2013

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Senator Les Ihara, Jr.
Senator Sam Slom
Senator Mike Gabbard

NOTICE OF HEARING

DATE: Friday, February 15, 2013
TIME: 10:00 a.m.
PLACE: Conference Room 016
State Capitol
415 South Beretania Street

**RE: TESTIMONY IN STRONG SUPPORT OF SB192
RELATING TO PROSTITUTION**

Makes solicitation of a minor for prostitution a crime. Increases the statute of limitations to bring a cause of action for coercion into prostitution from two to six years. Clarifies the minimum and maximum fine for a person convicted of committing the offense of prostitution. Adds the offenses of solicitation of a minor for prostitution, habitual solicitation of prostitution, and solicitation of prostitution near schools and public parks under the State's forfeiture laws. Amends the definition of "sexual offense" under the sexual offender registry laws to include acts that consist of the solicitation of a minor who is less than eighteen years of age for prostitution.

Dear Committee on Judiciary and Labor:

The Pacific Alliance to Stop Slavery (PASS) supports SB192. We seek to increase penalties for patrons of prostitution, which currently is a petty misdemeanor equal in penalty to remaining over hours at a city park.

Studies from Sweden and Norway, countries that have criminalized the purchasing of persons for sex, have seen significant reductions in violence against prostituted persons since the laws have passed. Conversely, Hawaii has almost no serious penalties nor methods of public accountability for patrons of prostitution and sex trafficking, which allows them to worsen in their deviant paraphilic behavior against women who do not have the ability to speak out due to societal bias and fear of retaliation and are under duress to feign compliance.

Attached to this testimony are real posts from patrons of prostitution to give your committee an idea of how these "johns" treat and view women. Please note that the language is very graphic. These johns, in our society, hide from public view— they are cowards—avoiding the accountability of their wives, daughters, friends, and other family members; calling prostitution "consenting sex" with "legitimate

prostitutes” when we as outreach workers and others that heal prostituted persons know that prostitution is a violent and harmful offense against all women in society. This is clear from the real posts from an arrogant patron attached to this testimony.

PASS and Imua are imploring lawmakers to End the Demand for Prostitution and Sex Trafficking and have amassed nearly 5000 petitioners to support this cause. <http://www.change.org/petitions/pass-safe-harbor-end-demand-for-prostitution-laws-in-hawaii>

PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of over 7000 persons.

PASS is one of Hawaii’s few services that helps heal survivors of human trafficking. We testify that there are no specific services tailored to 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 must accurately and effectively address the handling of human trafficking survivors.

Earlier this year, Shared Hope International rated Hawaii second worst in the nation in protecting child victims of sex trafficking by law. Since there is no sex trafficking statute in Hawaii, statistics from law enforcement are unavailable as they are combined with general prostitution statistics but other sources of information are very helpful in assessing the great need for services specific to child victims of sex trafficking. Such information states:

- Hawaii's incarceration rate of juvenile girls exceeds national average¹.
- Of the girls incarcerated, 35% are runaways, a high-risk criteria for trafficking².
- Hawaii has the third highest attempted teen suicide rate³.
- Hawaii has one of the highest rates of intrafamilial sexual abuse (incest)⁴.

All of these statistics significantly contribute to the proliferation of sex trafficking. Since 2009, PASS alone has assisted 96 victims of human trafficking. The need to expand anti trafficking services is very severe.

Thank you for hearing this much needed legislation.

Sincerely,



Kathryn Xian
Executive Director
Pacific Alliance to Stop Slavery

¹ Hawaii Department of the Attorney General, Research and Statistics Branch Crime Prevention and Justice

² Assistance Division. (May 2006). *The Female Juvenile Offender in Hawaii: Understanding Gender Differences in*

³ Hawaii State Department of Health (2010)

⁴ Dunn, A. Girl Fest Hawaii Conference on Youth. (2012). Deputy Prosecutor, Honolulu City Prosecutor’s Office

POSTS FROM JOHNS "INTERNET CHAT BOARDS"

09-24-12 18:46 #80

Playboy54 ◊
Senior Member
Reports: 197

CHERiAtVIP

I woke up and said what is worse than shitty service, shitty service from a girl over 26. Went to VIP. Said give me the youngest chick in this brothel. Mama sent in Cheri. Big boobs, hot body and 23. Her service was shitty, so I fucked her hard and talked pretty nasty and demeaning to her. To my surprise. She appeared to like it.

Playboy54.

Don't brag unless it's bareback!

Report Post Reply With Quote

Today 16:15 #4

Playboy54 ◊
Senior Member
Reports: 197

VIP and Michelle

Went to VIP. Hoping for a hottie. Mama sends in Michelle about 36 (refused to give her age). Should have walked but was pressed for time. Good table shower and massage. Told me straight up no kissing, DATY, and all condom. I said no problem. Because I am going to fuck real hard then. Banged the shit out of her. Locked my arms around her thighs and lifted her hips up and said. Your going to regret using a condom because I won't cum for awhile. She was was trying to get out of the lock. But I had her good. I said you ain't going anywhere. I my surprise she then locked her thighs on me and starting getting loud. I stopped and said. You not having a good time on my dime. Took off the condom and fucked her tits and blew on her neck. I actually don't like it rough at all. But said might as well let her know how much I hate condoms physically. I have no idea how tight or loose she is. Because I don't feel shit with a condom. Skull fucked her good so she can get the full taste of that condom. Won't repeat. When I left she said I like it rough also.

Playboy54.

I think I was number 4 customer today.

Report Post Reply With Quote



SENATE COMMITTEE ON JUDICIARY AND LABOR

Friday, February 15, 2013 – 10:00 a.m. – Room 016

Testimony Supporting the Intent of SB 192 Relating to Prostitution

Aloha Chair Hee, Vice Chair Shimabukuro and Members of the Committee:

My name is Jody Allione and I represent Courage House Hawaii. I have been involved in this industry over the past year when I became aware of the reality of this problem in Hawaii and how it endangers our young girls in this state as well as other cities on the mainland. It is tragic that Hawaii is becoming known as a sex tourism destination and strong measures must be incurred to stop this crime against children.

I am writing to urge your support for Senate Bills 192, and 194, which will strengthen Hawaii's ability to combat domestic minor sex trafficking.

Based on years of specialized research on domestic minor sex trafficking in the United States, the Protected Innocence Legislative Framework was designed by Shared Hope to establish a minimum legal fabric for the protection of children from sex trafficking and access to justice for those exploited. On November 29, 2012 Shared Hope International released the 2012 report card for every state. Hawaii received an F. I would like to see Hawaii raise that grade. These bills address several components of the Protected Innocence Challenge and are critical to closing the gaps in the safety net for past, present and potential future young victims of sex trafficking.

Issues addressed in these bills include:

SB 192 combats demand for sex trafficking in several ways:

- Adds the offense of solicitation of a minor under 18 for prostitution, increasing the penalty for buying sex with a minor from a petty misdemeanor under the prostitution laws to a Class C felony. SB 192 subjects defendants convicted under this new law to asset forfeiture, providing an important financial penalty to further deter demand;
- To put the community on notice of the potential risk posed by those who buy sex with minors, SB 192 requires buyers convicted under this new offense to register as a sex offender.

SB 194 prevents the court from deferring the prison sentence applicable to buyers convicted under prostitution and solicitation of prostitution laws.

These bills take important steps towards addressing the issue of domestic minor sex trafficking in Hawaii. Thank you for the opportunity to provide this testimony.

Sincerely,

Jody Allione
Site Development Director
Courage House Hawaii

Courage House Hawai'i

Hale O' Mana'o i'o

Senate Committee on Judiciary and Labor

Friday, February 15, 2013

Testimony supporting the intent of SB 192, 194 relating to prostitution

Aloha Chair Hee, Vice Chair Shimabukuro, and members of the Committee:

I am writing in support of SB 192 and 194, which will strengthen Hawaii's ability to combat domestic minor sex trafficking. I am currently the volunteer director for the Courage House Hawaii project. Our focus is to provide a residential facility to underage victims of sexual exploitation in our state. Sadly, our state is known as being a "sex tourism" destination and with a large military and business community, Hawaii is a prime location for traffickers to exploit children. These individuals who are exploiting these children are receiving minimal punishment for this horrendous crime. The buyers of these services are essentially engaging in sex acts with minors. It is concerning to me that buying sexual services from a child is not considered absolutely wrong and clearly punishable. I believe that no child should be sold for sex despite any sort of social circumstances.

Share Hope has spent years researching domestic minor sex trafficking in the US, the protected innocence legislative framework was designed to establish a minimum legal fabric for the protection of children from sex trafficking and access to justice for those exploited. November 29, 2012 marked the releases of the 2012 report card for every state. Hawaii received a failing grade. We can change this! These bills address several components of the Protected Innocence Challenge and are critical to closing the gaps in the safety net for past, present, and future young victims of sexual exploitation.

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SB 194 prevents the court from deferring the prison sentence applicable to buyers convicted under prostitution and solicitation of prostitution laws.

Thank you for taking the time to hear testimony on these extremely important bills

Jessica Munoz, Courage house Hawaii Project Director



hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 13, 2013 7:26 AM
To: JDLTestimony
Cc: kaleos@lava.net
Subject: Submitted testimony for SB192 on Feb 15, 2013 10:00AM
Attachments: Sex trafficking testimony SB192.odt

SB192

Submitted on: 2/13/2013

Testimony for JDL on Feb 15, 2013 10:00AM in Conference Room 016

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

Comments: I support this as an individual and as part of Courage House Hawaii.

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

I am writing to urge your support for Senate Bills 192, and 194, which strengthen Hawaii's ability to combat domestic minor sex trafficking.

Based on years of specialized research on domestic minor sex trafficking in the United States, the Protected Innocence Legislative Framework was designed by Shared Hope to establish a minimum legal fabric for the protection of children from sex trafficking and access to justice for those exploited. On November 29, Shared Hope International released the 2012 report card for every state. Hawaii received an F. I would like to see Hawaii raise that grade. These bills address several components of the Protected Innocence Challenge and are critical to closing the gaps in the safety net for past, present and potential future young victims of sex trafficking.

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SB 194 prevents the court from deferring the prison sentence applicable to buyers convicted under prostitution and solicitation of prostitution laws.

These bills take important steps towards addressing the issue of domestic minor sex trafficking in Hawaii.

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 13, 2013 7:56 AM
To: JDLTestimony
Cc: jancook@aloha.com
Subject: Submitted testimony for SB192 on Feb 15, 2013 10:00AM
Attachments: Sex trafficking testimony SB192.odt

SB192

Submitted on: 2/13/2013

Testimony for JDL on Feb 15, 2013 10:00AM in Conference Room 016

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

Comments:

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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EQUALITY NOW

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Nairobi: PO Box 2018 - 00202, Nairobi, Kenya • Tel: +254 20-2719-832 • Fax: +254 20-2719-868 • Email: equalitynownairobi@equalitynow.org

February 14, 2013

MEMORANDUM IN SUPPORT OF SB 192 AND SB 194

Committee: Senate Committee on Judiciary and Labor

Hearing Date: February 15, 2013 (10:00 a.m.)

Place: Conference Room 016
State Capitol
415 South Beretania Street

Honorable Chair Sen. Clayton Hee and Committee Members:

Equality Now is an international human rights organization that works to protect and promote the rights of women and girls throughout the world. Among issues of concern to Equality Now are human trafficking, which disproportionately affects women and girls, sex tourism and other practices that promote the commercial sexual exploitation of women and girls. In the past we have worked with our partners at the Pacific Alliance to Stop Slavery on Hawaii's sex tourism law and subsequent legislation, which outlawed labor trafficking and strengthened existing anti-prostitution laws.

Equality Now endorses the "3P's" approach to combat trafficking, prevention, protection and prosecution. We believe that passage of SB 192 and SB 194 would represent significant advances in Hawaii's anti-trafficking efforts by making prosecutions of those who create the demand for the trafficked persons by soliciting prostitution more tenable, and thus preventing trafficking to and within Hawaii.

SB 192 would make solicitation of a minor for prostitution a crime. SB 194 will prevent purchasers of sex from having their records expunged after six months. Both of these bills accord with Equality Now's belief that the primary goal of law enforcement

concerned about sex trafficking should be prevention, and the most effective and least costly method of achieving this is reducing the demand for prostitution. Preventing sex trafficking by the sustained efforts of law enforcement towards those who buy humans for sexual use is far less costly and time consuming than the long, expensive and personnel-intensive investigations that typify sex trafficking cases. The savings in lives and resources by preventing trafficking as opposed to rescuing victims once trafficked into prostitution is incalculable.

Both statistical and anecdote evidence suggest that patronizing prostituted persons is a crime of opportunity that can be easily deterred.

The report of the award-winning project of the Buffalo Police Department, "Workable Solutions to the Problem of Street Prostitution Buffalo", demonstrates this.¹ The Buffalo project adopted the strategy of arresting people buying sexual services rather than the people selling services, because analysis revealed that arrest was a deterrent for buyers but not for sellers.² Statistics gathered by the Buffalo Police Department showed that 66% of those arrested for prostitution were repeat offenders but only 8% of the patrons were.³ As the report concluded:

"For Johns, though, arrest is a more effective deterrent. Over 50 percent of johns interviewed indicated that arrest was their most significant fear."⁴

The report stated that "once the demand was reduced, prostitution was reduced."⁵

¹ Winner of The 2001 Herman Goldstein Award Winners, Excellence in Problem Orientated Policing, The Prostitution Task Force, Workable Solutions to the Problem of Street Prostitution in Buffalo (1999), available at, NY. http://www.popcenter.org/problems/street_prostitution/PDFs/Workable%20Solutions.pdf

² Ibid p. 15

³ Id at p. 17

⁴ Id. at p. 17

⁵ Id. at p. 23

Conclusions from the experience in Buffalo are supported by a more recent study in Chicago.⁶ In this study, 113 purchasers of sex were asked, "What would deter you from buying sex"?⁷ Eighty-three percent responded that jail time would. Forty-six percent said that they would be deterred by jail time of a day or less.⁸ The study concluded that, "if potential buyers witness and experience that they are being targeted often, and arrests are increasing, they will be deterred from buying sex."⁹

The statistical evidence is supported by the numerous and continuous stream of postings on websites where patrons exchange detailed information about individual prostituted women and about prostitution locations.¹⁰ Even casual monitoring of these sites reveals that avoiding arrest is a high priority for prostitution patronizers. Numerous postings warn of law enforcement ("LE") or suspected law enforcement activity and prostituted persons who arouse the suspicion of patronizers as possible under-cover officers. Newspaper articles that report patronizing prostitution arrests are posted and receive numerous comments, usually expressing relief that the writer wasn't at the location when the arrests were made and speaking of those arrested in empathetic terms.

One such thread on the website www.bestgfe.com titled "Spotting LE" was begun with a post that read:

"I just wanted to make this post in an effort to compile the knowledge of people on this site. When I am cruising any website looking for girls my #1 concern is always le but how do you spot an ad posted by le any knowledge you have on this please share as I have no idea and always feel very p'noid about it..."¹¹

⁶ Chicago Alliance Against Sexual Exploitation, *Effective Demand Deterrence Strategies*, (March 2009).

⁷ *Id.* at p.3

⁸ *Id.* at p. 3

⁹ *Id.* at p. 4

¹⁰ For such an example see www.bestgfe.com

¹¹ www.bestgfe.com, BestGFEForums, >New York>Escorts-NYC "Discussion Spotting LE, Ashman 537, June 2, 2009, 11:28 AM, viewed on June 5, 2010.

This post resulted in 43 responses in an eight-day period. This thread had been viewed almost 3,000 times.

Indeed, the effectiveness of demand side approaches to limit prostitution are increasingly recognized as key to diminishing sex trafficking. This approach has been adopted by such diverse actors as the governments of Sweden, Norway, Finland and South Korea, the City of Atlanta and the United States Department of Defense.¹² Recognizing the importance of attacking demand, The Trafficking Victims Protection Reauthorization Act of 2005 authorized the Attorney General of the United States to make grants to states and local law enforcement agencies to establish programs to investigate and prosecute persons who engage in the purchase of commercial sex acts.¹³

These efforts recognize the efficacy of what has been termed the "Swedish Model". The Swedish Model proceeds from the premise that the demand for women and children is an important root cause of human trafficking. Swedish law implemented in 1999 recognizes that the purchaser of sex should be criminalized, not the prostituted women or child. The Swedish government reports that since the implementation of its demand side efforts in 1999, "...There has been a dramatic drop in the number of individuals in street prostitution..." and that "there are clear indications that the law that prohibits the purchase of sexual services has had direct and positive effects on the trafficking in human beings for sexual purpose to Sweden and that Sweden no longer is an attractive market for

¹² For a more comprehensive list of government action against the demand for prostitution, see *Confronting the Demand for Sex Trafficking, a Handbook for Law Enforcement*, CATW & UNIFEM (July 2007) at 87-92.

¹³ Trafficking Victims Protection Reauthorization Act of 2005, Public Law No. 109-164, Sec. 204(a)(1)(B).

traffickers.¹⁴ Equality now believes that passage and enforcement of SB 192 and SB 194 will have the same result in Hawaii.

Equality Now, therefore strongly urge passage of both of these bills.

¹⁴ Ekberg, Gunilla; statement of the Swedish Government at the Regional Preparatory Meeting on the 10-year review of the Beijing Platform for Action: Theme 3-Trafficking of Women in the Context of Migratory Movements, Geneva, Switzerland, December 15, 2004.

February 15, 2013

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

Senator Les Ihara, Jr.

Senator Sam Slom

Senator Mike Gabbard

NOTICE OF HEARING

DATE: Friday, February 15, 2013
TIME: 10:00a.m.
PLACE: Conference Room 016
State Capitol
415 South Beretania Street

RE: TESTIMONY IN STRONG SUPPORT OF SB192
RELATING TO PROSTITUTION

Makes solicitation of a minor for prostitution a crime. Increases the statute of limitations to bring a cause of action for coercion into prostitution from two to six years. Clarifies the minimum and maximum fine for a person convicted of committing the offense of prostitution. Adds the offenses of solicitation of a minor for prostitution, habitual solicitation of prostitution, and solicitation of prostitution near schools and public parks under the State's forfeiture laws. Amends the definition of "sexual offense" under the sexual offender registry laws to include acts that consist of the solicitation of a minor who is less than eighteen years of age for prostitution.

Dear Committee on Judiciary and Labor:

I am a Masters of Social Work candidate at the University of Hawaii, Manoa and I support SB192. Together with Pacific Alliance to Stop Slavery, my MSW cohort, and many concerned for the safety of our children, we seek to increase the penalties for perpetrators of sexual slavery.

Experts working in the field of commercial, sexual, exploitation agree that the independent working of children as prostitutes is a common, ignorant misconception. The truth is, no child chooses to solicit her/himself for sex. All minors work for a pimp; they are coerced, manipulated and forced to engage in sexual activity for profit. These minors are victims of human trafficking, also known as modern day slavery.

Sadly, the state of Hawaii is ranked second worst in the nation for protecting child victims of sex trafficking, according to Shared Hope International. The lack of trafficking laws does not just contribute to a lack of victim protection. It results in the absence of statistics from law enforcement, a key element in generating funding to service victims. Without funding to provide rehabilitative services, victims often go untreated becoming increasingly vulnerable to further exploitation.

By promoting SB192, we are expressing our commitment and responsibility to protect Hawaii's keiki. Additionally, passing legislation surrounding the issue of human trafficking will generate much needed law enforcement statistics that will ultimately generate funds to service victims. By holding patrons of prostitution more accountable, we are making one of the many necessary steps in the prevention of child sexual exploitation in Hawaii.

I urge your support of SB192.

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

February 15, 2013

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Senator Les Ihara, Jr.
Senator Sam Slom
Senator Mike Gabbard

NOTICE OF HEARING

DATE: Friday, February 15, 2013
TIME: 10:00_a.m.
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415 South Beretania Street

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RELATING TO PROSTITUTION

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Dear Committee on Judiciary and Labor:

My name is Allison Tabarracci and I am a MSW candidate at the University of Hawaii, Manoa. I strongly support SB192 relating to child prostitution for the following reasons:

- We have an ethical obligation to protect those who cannot protect themselves as well as an obligation to advocate for those without a voice, in this case, victims of child sex trafficking.
- By failing to enforce stricter laws for perpetrators, the continuation of the sex trafficking industry is only encouraged.

- Our current legal system has established laws that apply punishment for statutory rape crimes but does not prosecute solicitors of child sex trafficking in the same way. -It is time to ameliorate these conflictual laws.
- The commercial sexual exploitation of children must be addressed at the policy awareness as doing so will raise awareness of this issue and place it at the forefront of society's view. Harsher punishments for solicitors of child prostitution and for those who coerce minors into prostitution are imperative. Increasing the punishment for those who coerce minors into prostitution from 2-6 years is a first step in the right direction.
- Historically, prostitution has been viewed as a choice. In the case of minors, there is no choice. These children are victims in the truest sense and it is imperative that we recognize this and utilize the law to protect them. ~~Historically~~Historically, a conflictual legal system has treated children involved in sex trafficking as criminals instead of victims. Passage of this legislation is a positive step towards shifting this paradigm.
- By promoting this legislation, we are not only imposing much needed harsher punishments for perpetrators but are also sending a strong message to both lawmakers and society that these children are in fact victims, that this lifestyle is not their choice, and that child sex trafficking must be stopped.

I urge your favorable consideration of SB192.

Thank you for this opportunity to testify.

Respectfully,

Allison Elise Tabarracci
MSW Candidate, 2014
Myron B. Thompson School of Social Work
University of Hawai'i at Manoa

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 14, 2013 10:05 AM
To: JDLTestimony
Cc: dallen8@my.hpu.edu
Subject: Submitted testimony for SB192 on Feb 15, 2013 10:00AM

SB192

Submitted on: 2/14/2013

Testimony for JDL on Feb 15, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Danielle Allen	Individual	Support	No

Comments: I support increasing the penalties of those who purchase prostitution and believe it to be a necessary step in protecting these girls. Hawaii has no serious penalties or methods of public accountability for patrons of sex trafficking. Please support this bill.

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Chloe Fonacier
95-208 I'imi Place Mililani HI, 96789
chloef@hawaii.edu

February 14, 2013

To: Senator Chun Oakland, Chairperson
Senator Will Espero, Vice-Chairperson
And members of the Senate Committee on SB192

From: Chloe Fonacier

RE: SB192, Relating to Prostitution- SUPPORT

Chair, Vice-Chair, and members of the Senate Committee on SB192, I am testifying in **strong support** of SB192

My name is Chloe Fonacier. I am a Junior at the University of Hawaii at Manoa as a student in the Myron B. Thompson School of Social Work. I stand in support of this bill because I had done a project last semester on the issue of sex trafficking minors in Hawaii and the physical and psychological effects it has on the minors.

What this issue means to me is knowing for a fact that individuals or groups that are caught in the act of soliciting minors for prostitution have their sentences raised. Young individuals under the age of 18 will be protected from being sold for sexual purposes or exposed to pornography in places that should be safe only for learning and growing purposes.

When we turn the problem to the actual underage victims we see that they are suffering the worst of the psychological, emotional, and physical consequences of being in the sex trade. What's more unfair for these victims is that their problems go untreated, because law enforcement and the public do not have the proper training to identify these victims and their owners.

One of the stemming issues of sex trafficking starts from the public's escalating interest of the sex or porn industry. This is not a reoccurring theme with just male adults, but the problem is starting from childhood when kids and teens are exposed to sex in the media. Pornography is a booming business in the U.S. and because of the addictive affects it is having on its users online. So, the drive to want real pleasure from children and teens who will helplessly give in is a very tempting act.

Therefore, I strongly support SB192.

Thank you for the opportunity to testify,

Sincerely,

Chloe Fonacier

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 13, 2013 9:24 AM
To: JDLEvidence
Cc: kjsanta@gmail.com
Subject: Submitted testimony for SB192 on Feb 15, 2013 10:00AM

SB192

Submitted on: 2/13/2013

Testimony for JDL on Feb 15, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jonelle Santa	Individual	Support	No

Comments: Thank you for considering this important bill. We have 1 daughter, and our 3rd son will be born shortly. It is our fervent prayer and hope that none of them will ever encounter or become involved in prostitution. But if our sons did solicit, I would hope that the consequences would be severe enough to ensure they never did it again. God forbid my daughter was ever a victim of sex trafficking, but should that occur I hope and pray that those who victimized her would face stiff penalties. Please pass this measure, please help ensure that those who would harm and enslave our youth face stiff, stiff penalties. We heartily support this measure.

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 13, 2013 9:12 AM
To: JDLTestimony
Cc: launahale@yahoo.com
Subject: Submitted testimony for SB192 on Feb 15, 2013 10:00AM

SB192

Submitted on: 2/13/2013

Testimony for JDL on Feb 15, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Pang	Individual	Support	No

Comments: This is a good bill to protect our keiki from victimization.

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 13, 2013 8:24 AM
To: JDLTestimony
Cc: bosh9735@aol.com
Subject: Submitted testimony for SB192 on Feb 15, 2013 10:00AM
Attachments: Sex trafficking testimony SB192.odt

SB192

Submitted on: 2/13/2013

Testimony for JDL on Feb 15, 2013 10:00AM in Conference Room 016

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

Comments: I am a concerned citizen and feel our laws need to change to reflect the current local problems. Victims of sex trafficking need protection and criminals need firm action taken against them.

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I am writing to urge your support for Senate Bills 192, and 194, which strengthen Hawaii's ability to combat domestic minor sex trafficking.

Based on years of specialized research on domestic minor sex trafficking in the United States, the Protected Innocence Legislative Framework was designed by Shared Hope to establish a minimum legal fabric for the protection of children from sex trafficking and access to justice for those exploited. On November 29, Shared Hope International released the 2012 report card for every state. Hawaii received an F. I would like to see Hawaii raise that grade. These bills address several components of the Protected Innocence Challenge and are critical to closing the gaps in the safety net for past, present and potential future young victims of sex trafficking.

Issues addressed in these bills include:

SB 192 combats demand for sex trafficking in several ways:

- Adds the offense of solicitation of a minor under 18 for prostitution, increasing the penalty for buying sex with a minor from a petty misdemeanor under the prostitution laws to a Class C felony. SB 192 subjects defendants convicted under this new law to asset forfeiture, providing an important financial penalty to further deter demand;

- To put the community on notice of the potential risk posed by those who buy sex with minors, SB 192 requires buyers convicted under this new offense to register as a sex offender.

SB 194 prevents the court from deferring the prison sentence applicable to buyers convicted under prostitution and solicitation of prostitution laws.

These bills take important steps towards addressing the issue of domestic minor sex trafficking in Hawaii.

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 13, 2013 8:20 AM
To: JDLTestimony
Cc: kailanesia@gmail.com
Subject: Submitted testimony for SB192 on Feb 15, 2013 10:00AM
Attachments: Sex trafficking testimony SB192.odt

SB192

Submitted on: 2/13/2013

Testimony for JDL on Feb 15, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Whitney Schneider-Furuya	Individual	Support	No

Comments: This is the a year for change. Our laws need to protect these trafficking victims from the perpetrators.

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 13, 2013 7:45 AM
To: JDLTestimony
Cc: alexandriacrighton@gmail.com
Subject: Submitted testimony for SB192 on Feb 15, 2013 10:00AM
Attachments: Sex trafficking testimony SB192.odt

SB192

Submitted on: 2/13/2013

Testimony for JDL on Feb 15, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Alexandria Crighton	Individual	Support	No

Comments: Please consider this issue of utmost importance.

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 13, 2013 7:32 AM
To: JDLTestimony
Cc: tahitihuetter@gmail.com
Subject: Submitted testimony for SB192 on Feb 15, 2013 10:00AM
Attachments: Sex trafficking testimony SB192.odt

SB192

Submitted on: 2/13/2013

Testimony for JDL on Feb 15, 2013 10:00AM in Conference Room 016

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

Comments: It is time to change the laws to reflect the truth of the present situation.

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 13, 2013 7:29 AM
To: JDLEstimony
Cc: rexhuetter@gmail.com
Subject: Submitted testimony for SB192 on Feb 15, 2013 10:00AM
Attachments: Sex trafficking testimony SB192.odt

SB192

Submitted on: 2/13/2013

Testimony for JDL on Feb 15, 2013 10:00AM in Conference Room 016

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

Comments: It is time that the state of Hawaii do something to begin protecting the innocent and these are victims here of human trafficking.

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These bills take important steps towards addressing the issue of domestic minor sex trafficking in Hawaii.

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 12, 2013 10:05 PM
To: JDLTestimony
Cc: wolfec004@hawaii.rr.com
Subject: Submitted testimony for SB192 on Feb 15, 2013 10:00AM

SB192

Submitted on: 2/12/2013

Testimony for JDL on Feb 15, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Carlynn Wolfe	Individual	Support	No

Comments: As a Mother of 3 daughters, I shudder at the sight of young girls on the street in Waikiki. Please support this bill. We all know soliciting young people for sex is wrong and it should be a crime. Additionally, for the very young who have been trafficked, two years may not be enough time to come to terms with their betrayal. Six years is a more just period. Please make life safer for young people, especially girls. Thank you.

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 12, 2013 7:04 PM
To: JDLTestimony
Cc: hawaiikman@gmail.com
Subject: Submitted testimony for SB192 on Feb 15, 2013 10:00AM

SB192

Submitted on: 2/12/2013

Testimony for JDL on Feb 15, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Keiger Bowman	Individual	Support	No

Comments: Please, help put an end to prostitution in our wonderful state of Hawaii. SB192 is an excellent step in that direction. There has been too much protection and freedom given to pimps and "johns" as well as not providing maximum protections to those that can't protect themselves... our children. Mahalo for moving forward and I expectantly look forward to you passing SB192 and similar legislation in the future.

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hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 12, 2013 4:47 PM
To: JDLTestimony
Cc: janetmorse@earthlink.net
Subject: Submitted testimony for SB192 on Feb 15, 2013 10:00AM
Attachments: Tesimony on trafficking130212.doc

SB192

Submitted on: 2/12/2013

Testimony for JDL on Feb 15, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Janet Morse	Individual	Support	No

Comments:

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As a mother who lived through the turbulent teen years with a daughter who could easily have been subject to pressure to prostitute herself, I feel strongly that this bill should pass. Young girls should not be subject to solicitation and predators should be treated as criminals.

hee2 - Kathleen

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 12, 2013 10:10 AM
To: JDLTestimony
Cc: pamelapcm@gmail.com
Subject: *Submitted testimony for SB192 on Feb 15, 2013 10:00AM*

SB192

Submitted on: 2/12/2013

Testimony for JDL on Feb 15, 2013 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Williams	Individual	Support	No

Comments:

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