

HB1926

HD1

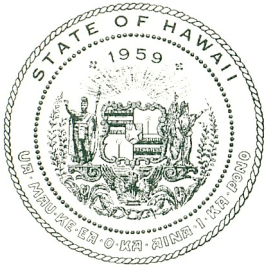
HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN

March 21, 2014

To: Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Members of the Senate Committee on Judiciary and Labor

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

Re: Testimony in Strong Support, HB 1926 Relating to the 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 the state's most daunting social-justice issues. On Oahu, the total number of homeless was estimated by 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 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 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. By 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.

Chair
LESLIE WILKINS

COMMISSIONERS:

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

Executive Director
CATHY BETTS, JD

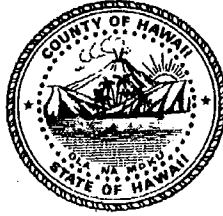
Email:
DHS.HSCSW@hawaii.gov

Visit us at:
humanservices.hawaii.gov/hscsw/

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

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KĪLAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908
(808) 934-3403
(808) 934-3503

WEST HAWAII UNIT
81-980 HALEKĪ'I ST, SUITE 150
KEALAKEKUA, HAWAII 96750
PH: (808) 322-2552
FAX: (808) 322-6584

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 1926 HD1

A BILL FOR AN ACT RELATING TO CRIME

COMMITTEE ON JUDICIARY AND ORDER

Sen. Clayton Hee, Chair

Sen. Maile S.L. Shimabukuro, Vice Chair

Friday, March 21, 2014, 10:00 AM
State Capitol, Conference Room 016

Honorable Chair Hee, Vice Chair Shimabukuro, and Members of the Committee on Judiciary and Order, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 1926 HD1.

The purpose of this measure is to add sadomasochistic abuse as an element of the offense of prostitution. Amends the offense of solicitation of a minor for prostitution. Exempts a person not more than two years older than the minor convicted of solicitation of a minor for prostitution from registration as a sex offender. Clarifies sentencing of repeat offenders and enhanced sentences for repeat violent and sexual offenders.

Since 2007, the National Human Trafficking Hotline has received 250 calls from Hawai'i concerning potential victims of human trafficking. Victims of these offenses can feel the psychological and physical trauma for a lifetime. They are victimized by predators that 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.

The Office of the Prosecuting Attorney of the County of Hawai'i supports the passage of House Bill No. 1926 HD1. Thank you for the opportunity to testify on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "M. Roth", with a long, sweeping underline.

Mitchell D. Roth
Prosecuting Attorney
County of Hawai'i

March 18, 2014

COMMITTEE ON JUDICIARY

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

NOTICE OF HEARING

DATE: Friday, March 21, 2014

TIME: 10:00AM

PLACE: Conference Room 016, State Capitol, 415 South Beretania Street

RE: TESTIMONY IN STRONG SUPPORT OF **HB1926 HD1 WITH AMENDMENTS
RELATING TO CRIME**

Aloha, Committee on Judiciary:

The original HB1926 was 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. We strongly support HB1926 HD1 with amendments.

We respectfully request from the Committee that the following amendments be included in HB1926 HD1. This amended language was included in the original bill and address two important issues:

1) Amendments below include victims of human trafficking, a class A offense, to be included in the statutory definition of Violent Crimes in HRS §351-32 so that victims of human trafficking would be eligible for victims compensation; and,

2)Amendments below prohibit law enforcement from engaging in sexual penetration with a prostituted person during the course of an investigation. PASS strongly feels that the argument raised by both the Prosecutor and HPD with regard to "cop checking" is unfounded and overstated. The dangers of allowing law enforcement to engage in sexual penetration with prostituted persons include abuse of power, sexual assault, and conflict of interest relationships between law enforcement and the illegal sex industry.

While, PASS has not completed its survey of all jurisdictions in the U.S., we are near certain that **no other state in the nation** allows for this type of "interpersonal" and highly problematic "investigative tool" to facilitate prostitution arrests. Other states such as Illinois, California, New York, Washington D.C., Texas, and Georgia—states with high rates of sex trafficking and

prostitution—do not allow sexual penetration to be used by law enforcement during prostitution investigations yet have no problem completing successful investigations and arrests.

Please amend HB1926 HD1 to include the following language:

EXCLUDING LAW ENFORCEMENT FROM USING SEXUAL PENETRATION

Add to Section 3 the following change to 712-1200(5) (taken from the original draft of the bill):

“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[.], unless the action includes sexual penetration or sadomasochistic abuse.”

We would like to see a similar amendment made to Section 4, subsection (4) on page 8, lines 1 to 3:

“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[.], unless the action includes sexual conduct as defined in 712-1200.”

INCLUDING PROMOTING PROSTITUTION AND LABOR TRAFFICKING UNDER THE DEFINITION OF VIOLENT CRIMES

Section 351-32, Hawaii Revised Statutes, is amended to read as follows:

"§351-32 Violent crimes. The crimes to which part III of this chapter applies are the following and no other:

- (1) Murder in the first degree (section 707-701);
- (2) Murder in the second degree (section 707-701.5);
- (3) Manslaughter (section 707-702);
- (4) Negligent homicide in the first degree (section 707-702.5);
- (5) Negligent homicide in the second degree (section 707-703);
- (6) Negligent injury in the first degree (section 707-705);
- (7) Negligent injury in the second degree (section 707-706);
- (8) Assault in the first degree (section 707-710);
- (9) Assault in the second degree (section 707-711);
- (10) Assault in the third degree (section 707-712);
- (11) Kidnapping (section 707-720);
- (12) Sexual assault in the first degree (section 707-730);
- (13) Sexual assault in the second degree (section 707-731);
- (14) Sexual assault in the third degree (section 707-732);
- (15) Sexual assault in the fourth degree (section 707-733);
- (16) Abuse of family or household member (section 709-906); and
- (17) Terrorism, as defined in Title 18 United States Code section 2331[.];
- (18) Labor trafficking in the first degree (section 707-781); and
- (19) Promoting prostitution in the first degree (section 712-1202)."

Thank you for hearing this important measure. Please consider amending this bill with the important changes above. Mahalo nui.

Sincerely,
Kathryn Xian
Executive Director



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

TESTIMONY FOR HOUSE BILL 1926, HOUSE DRAFT 1, RELATING TO CRIME

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

Friday, March 21, 2014, 10:00 AM
State Capitol, Conference Room 016

Honorable Chair Hee 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, HD1, 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 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), 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 consider amending the bill in a variety of ways. First, we encourage you to use the bill to make human trafficking victims eligible for crime

victim compensation. While legislation creating a human trafficking special fund is moving forward (HB 2038), the special fund would be administered by the Department of Labor and Industrial Relations to supplement programs or grants for victim services. Crime victim compensation, on the other hand, provides direct compensation to victims who have suffered personal injuries or property damage during the commission of a violent or sexual crime. Sex-trafficking is an extreme form of both, whereas labor trafficking often involves both violent and sexual coercion (and can be viewed as heinous form of industrial violence). Moreover, making trafficking victims eligible for crime victim compensation does not guarantee payouts, as the fund is subject to financial constraints that compel discretion in payments. This request can be achieved by inserting the following amendment into the bill (language taken from the bill's original draft):

Section 351-32, Hawaii Revised Statutes, is amended to read as follows:

"§351-32 Violent crimes. The crimes to which part III of this chapter applies are the following and no other:

- (1) Murder in the first degree (section 707-701);
- (2) Murder in the second degree (section 707-701.5);
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- (12) Sexual assault in the first degree (section 707-730);

- (13) Sexual assault in the second degree (section 707-731);
- (14) Sexual assault in the third degree (section 707-732);
- (15) Sexual assault in the fourth degree (section 707-733);
- (16) Abuse of family [{}or{}] household member (section 709-906); [~~and~~]
- (17) Terrorism, as defined in Title 18 United States Code section 2331[-];

(18) Labor trafficking in the first degree (section 707-781); and

(19) Promoting prostitution in the first degree (section 712-1202)."

Second, we ask you to increase the grade of offense for solicitation of minor to a class B felony, to be commensurate with national standards. For the record, many states and national anti-exploitation advocacy groups call for solicitation of a minor to be graded as a class A felony, making our request far from groundbreaking. This amendment can be implemented by revising page 7, lines 15 to 16 to read: "Solicitation of a minor for prostitution is a class **B** felony."

Third, we urge you to subject solicitation of a minor for prostitution and habitual solicitation of prostitution to the list of mandatory minimum sentences contained in Section 1 of the bill. Prostitution, especially involving child victims, is *not* a nonviolent crime. Rather, victims of sex-trafficking are coerced through a variety of means into commercial sexual exploitation, including physical assault, rape, and psychological torture. Under such circumstances, an act of prostitution must not be viewed as a consensual exchange, but as forced sexual slavery. To view slavery as nonviolent would be to commit a terrible political error with regard to the gravity of the trauma and abuse suffered by sex-trafficking victims. It would also perpetuate the misgiving that prostitution is a victimless crime and that victims, themselves, are not deserving of or likely to receive proper care from state officials. This requested change can be made by amending Section 1, lines 16 to 18 of the bill to read (language taken from the bill's original draft): "711-1103 relating to riot; [~~section 712-1203 relating to promoting prostitution in the second degree;~~] **section 712-1209.1 relating to solicitation of a minor for prostitution; section 712-1209.5 relating to habitual solicitation of prostitution;** section 712-1221 relating to promoting gambling in the first degree..".

Fourth, we encourage you to preclude law enforcement from engaging in sexual penetration during the course of prostitution investigations by adding to Section 3 the following change to 712-1200(5) (taken from the original draft of the bill): "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[-], **unless the action includes sexual penetration or sadomasochistic abuse.**" We would like to see a similar amendment made to Section 4, subsection (4) on page 8,

lines 1 to 3: “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[-], **unless the action includes sexual conduct as defined in 712-1200.**” In our view and experience, police need not engage in sexual penetration with adults or sexual contact of any kind with children in order to obtain evidence of prostitution. Contrary to some departmental assertions, victims are not forcing themselves on police in a sexually aggressive manner, but are actually quite reserved about initial contact with prospective customers so as to avoid arrest. More importantly, when undercover police engage in sexual conduct with and subsequently detain a victim, the act confirms the oft-repeated myth that cops only want to harm and or take advantage of victims, and will not offer assistance. This cycle of re-traumatization can be detrimental to the successful rehabilitation of a victim and prosecution of sex-traffickers.

Fifth and finally, we encourage you 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."

Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Legislative Director



March 18, 2014

COMMITTEE ON JUDICIARY Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Senator Mike Gabbard
Senator Brickwood Galuteria
Senator Les Ihara Jr.
Senator Malama Solomon
Senator Sam Slom

NOTICE OF HEARING

DATE: Friday, March 21, 2014 TIME: 10:00AM PLACE: Conference Room 016, State Capitol, 415 South Beretania Street

RE: TESTIMONY IN STRONG SUPPORT OF HB1926 HD1 WITH AMENDMENTS RELATING TO CRIME

Committee on Judiciary:

Rainbow Family 808 is testifying in strong support of HB1926 HD1.

Victims of sex and human trafficking are in desperate need of the protections afforded by this important bill. Human and Civil rights of prostituted persons also need the protection from law enforcement agencies.

We are in complete concurrence with the Pacific Alliance to Stop Sex Slavery (PASS) and support their position as stated below.

The original HB1926 was 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. We strongly support HB1926 HD1 with amendments.

We respectfully request from the Committee that the following amendments be included in HB1926 HD1. This amended language was included in the original bill and address two important issues:

- 1) Amendments below include victims of human trafficking, a class A offense, to be included in the statutory definition of Violent Crimes in HRS §351-32 so that victims of human trafficking would be eligible for victims compensation; and,
- 2) Amendments below prohibit law enforcement from engaging in sexual penetration with a prostituted person during the course of an investigation. PASS strongly feels that the argument raised by both the Prosecutor and HPD with regard to "cop checking" is unfounded and overstated. The dangers of allowing law enforcement to engage in sexual penetration with prostituted persons include abuse of

power, sexual assault, and conflict of interest relationships between law enforcement and the illegal sex industry.

While, PASS has not completed its survey of all jurisdictions in the U.S., we are near certain that **no other state in the nation** allows for this type of “interpersonal” and highly problematic “investigative tool” to facilitate prostitution arrests. Other states such as Illinois, California, New York, Washington D.C., Texas, and Georgia—states with high rates of sex trafficking and prostitution—do not allow sexual penetration to be used by law enforcement during prostitution investigations yet have no problem completing successful investigations and arrests.

Please amend HB1926 HD1 to include the following language:

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- (16) Abuse of family [[or]] household member (section 709-906); [and]
- (17) Terrorism, as defined in Title 18 United States Code section 2331[.];
- (18) Labor trafficking in the first degree (section 707-781); and
- (19) Promoting prostitution in the first degree (section 712-1202).

Thank you for hearing this important measure. Please consider amending this bill with the important changes above.

Sincerely,

James Vivian Mateo
Vice President
Rainbow Family 808

March 19, 2014

COMMITTEE ON JUDICIARY

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

NOTICE OF HEARING

DATE: Friday, March 21, 2014

TIME: 10:00AM

PLACE: Conference Room 016, State Capitol, 415 South Beretania Street

TESTIMONY IN STRONG SUPPORT OF HB1926 HD1 WITH AMENDMENTS RELATING TO CRIME

Dear Committee on Judiciary:

I have been informed by Pacific Alliance to Stop Slavery (PASS) that the original HB1926 was 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. I, Amanda Layne Yesensky Chang, strongly support HB1926 HD1 with amendments.

I am deeply saddened that the fine officers of our beautiful state could be engaging in the very act that is enslaving humans. While I don't pretend to understand all the workings of an under-cover operation, our officers cannot condone the very wrong they are attempting to eliminate. No county will remain strong for long that calls wrong right and right wrong.

I respectfully request from the Committee that the following amendments be included in HB1926 HD1. This amended language was included in the original bill and address two important issues:

- 1) Amendments below include victims of human trafficking, a class A offense, to be included in the statutory definition of Violent Crimes in HRS §351-32 so that victims of human trafficking would be eligible for victims compensation; and,
- 2) Amendments below prohibit law enforcement from engaging in sexual penetration with a prostituted person during the course of an investigation. I agree with PASS and feel strongly that the argument raised by both the Prosecutor and HPD with regard to "cop checking" is unfounded and overstated. The dangers of allowing law enforcement to engage in sexual penetration with prostituted persons include abuse of power, sexual assault, and conflict of interest relationships between law enforcement and the illegal sex industry.

Please amend HB1926 HD1 to include the following language:

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- (17) Terrorism, as defined in Title 18 United States Code section 2331[.];
- (18) Labor trafficking in the first degree (section 707-781); and
- (19) Promoting prostitution in the first degree (section 712-1202)."

Sincerely,

Amanda Layne Yesensky Chang of Mililani, Hawaii

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: breaking-the-silence@hotmail.com
Subject: *Submitted testimony for HB1926 on Mar 21, 2014 10:00AM*
Date: Tuesday, March 18, 2014 10:15:46 AM

HB1926

Submitted on: 3/18/2014

Testimony for JDL on Mar 21, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	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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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: ncnelson@hawaii.edu
Subject: Submitted testimony for HB1926 on Mar 21, 2014 10:00AM
Date: Tuesday, March 18, 2014 8:56:54 PM

HB1926

Submitted on: 3/18/2014

Testimony for JDL on Mar 21, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
NoeNoe Nelson	Individual	Support	No

Comments: I stand in Strong Support WITH AMENDMENTS provided by PASS and IMUA Alliance Mahalo, NoeNoe Nelson

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Testimony in support of HB 1926

I SUPPORT HB1926 WITH AMENDMENTS PROVIDED BY PASS AND IMUA ALLIANCE.

I am delighted to see all of the legislation that has passed recently to make it tougher to traffic humans in and through Hawaii, and I thank you for your support for these other measures. Please, please ammend HB 1926 with the amendments provided by the Pacific Alliance to Stop Slavery and the IMUA Alliance – they are so very necessary.

My father was a homicide, narcotics, and vice detective with the US Military for over twenty years, and he was proud that police officers are held to a higher standard than the criminals whom they investigate and arrest. Please do not ignore these amendments – make it clear that our police officers will continue to be held to a righteous standard. Make it clear that they cannot engage in sexual penetration in the course of an investigation.

Jonelle Santa

Hawaii Resident, wife and mother of 4 small children.

February 18, 2014

COMMITTEE ON JUDICIARY

Senator Clayton Hee, Chair
Senator Maile S.L. Shimaburkuro, Vice Chair
Senator Mike Gabbard
Senator Brickwood Galuteria
Senator Les Ihara Jr.
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NOTICE OF HEARING

DATE: Friday, March 21, 2014
TIME: 10:00 a.m.
PLACE: Conference Room 016
State Capitol
415 South Beretania Street

RE: TESTIMONY IN STRONG SUPPORT OF HB1926 HD1 WITH AMENDMENTS
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 HD1 **with amendments provided by PASS and IMUA Alliance.**

The amended language originally included in the bill addresses important issues raised by these organizations:

- 1) "Amendments below include victims of human trafficking, a class A offense, to be included in the statutory definition of Violent Crimes in HRS §351-32 so that victims of human trafficking would be eligible for victims compensation;"
- 2) "Amendments below prohibit law enforcement from engaging in sexual penetration with a prostituted person during the course of an investigation"

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. Providing victim compensation to survivors of this crime

expedites their journey toward recovery, preventing further criminalization and victimization.

In addition, please consider prohibiting law enforcement to engage in sexual penetration of prostituted persons. Quite simply, allowing authorities to engage in sexual penetration with a prostituted person is an unethical and unnecessary abuse of power. Successful investigations and arrests *can, and are*, made without this type of “investigative” process.

Please amend HB1926 HD1 to include the following language as provided by PASS and IMUA Alliance:

EXCLUDING LAW ENFORCEMENT FROM USING SEXUAL PENETRATION

Add to Section 3 the following change to 712-1200(5) (taken from the original draft of the bill):

“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[.], unless the action includes sexual penetration or sadomasochistic abuse.”

We would like to see a similar amendment made to Section 4, subsection (4) on page 8, lines 1 to 3:

“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[.], unless the action includes sexual conduct as defined in 712-1200.”

INCLUDING PROMOTING PROSTITUTION AND LABOR TRAFFICKING UNDER THE DEFINITION OF VIOLENT CRIMES

Section 351-32, Hawaii Revised Statutes, is amended to read as follows:

"§351-32 Violent crimes. The crimes to which part III of this chapter applies are the following and no other:

- (1) Murder in the first degree (section 707-701);
- (2) Murder in the second degree (section 707-701.5);
- (3) Manslaughter (section 707-702);
- (4) Negligent homicide in the first degree (section 707-702.5);
- (5) Negligent homicide in the second degree (section 707-703);
- (6) Negligent injury in the first degree (section 707-705);
- (7) Negligent injury in the second degree (section 707-706);
- (8) Assault in the first degree (section 707-710);
- (9) Assault in the second degree (section 707-711);
- (10) Assault in the third degree (section 707-712);
- (11) Kidnapping (section 707-720);

- (12) Sexual assault in the first degree (section 707-730);
- (13) Sexual assault in the second degree (section 707-731);
- (14) Sexual assault in the third degree (section 707-732);
- (15) Sexual assault in the fourth degree (section 707-733);
- (16) Abuse of family [[or[]] household member (section 709-906); [and]
- (17) Terrorism, as defined in Title 18 United States Code section 2331[.];
- (18) Labor trafficking in the first degree (section 707-781); and
- (19) Promoting prostitution in the first degree (section 712-1202)."

I urge your support of House Bill 1926 HD1 with these amendments. Thank you for your consideration.

Respectfully,

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

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: drexchawaii@yahoo.com
Subject: Submitted testimony for HB1926 on Mar 21, 2014 10:00AM
Date: Wednesday, March 19, 2014 6:34:44 AM
Attachments: [HB1926.txt](#)

HB1926

Submitted on: 3/19/2014

Testimony for JDL on Mar 21, 2014 10:00AM in Conference Room 016

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

Comments: I fully support HB1926 affording victim compensation for trafficked victims, limiting law enforcement exemption from the offense of prostitution, and establishing other crucial anti-trafficking rules. Collectively, these changes will greatly improve Hawaii's fight against trafficking, and the lives of those rescued from trafficking.

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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From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc: kaleos@lava.net
Subject: *Submitted testimony for HB1926 on Mar 21, 2014 10:00AM*
Date: Wednesday, March 19, 2014 7:21:47 PM

HB1926

Submitted on: 3/19/2014

Testimony for JDL on Mar 21, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kaleo Schneider	CWWH	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc: jancook@happinesshawaii.com
Subject: Submitted testimony for HB1926 on Mar 21, 2014 10:00AM
Date: Wednesday, March 19, 2014 12:53:14 PM

HB1926

Submitted on: 3/19/2014

Testimony for JDL on Mar 21, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jan Cook	Individual	Support	No

Comments: In strong support of HB1926

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19 Mar 14

COMMITTEE ON JUDICIARY

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

NOTICE OF HEARING

DATE: Friday, 21 March 2014 TIME: 10:00 AM
PLACE: Conference Room 016, State Capitol, 415 South Beretania Street
RE: TESTIMONY IN STRONG SUPPORT OF HB1926 HD1 WITH AMENDMENTS

Aloha, Committee on Judiciary,

My name is Gina M. Snowden. I am a retired Chief Master Sergeant with the United States Air Force. I respectfully request the committee to listen to support HB 1926 HD1 with amendments as provided by the Pacific Alliance to Stop Slavery (PASS) and the IMUA Alliance.

I served honorably for 28 years where I experienced a broad range of "Man's inhumanity to Man." I made it through being bullied, discriminated against, and sexually assaulted by members of armed forces, to become a voice sounding out those who would abuse their position and title to mistreat and rob others of their innocence and self respect.

Until yesterday, I thought I heard it all. That's when I heard about the Hawaii Police Department's free pass to have sexual intercourse during the course of a prostitution/sex trafficking investigation. My first thought was of a middle-aged man having nonconsensual sex with an under-age child forced into the sex trade. My next thought was, "How can we look at the police department as liberator to those lost or forced on the street when they are now on the same level as the parasites that feed upon the young, the innocent, the downtrodden?"

I am appalled that Hawaii's justice system allows police to exacerbate the violence of the crimes of promoting prostitution and human trafficking. Even if one does not care about "street people" one should ask, "How else are police free to abuse their highly respected office?"

Mahalo for your time reading my testimony and for hearing this important measure. Please support amending this bill with the important changes from PASS and IMUA Alliance.

Sincerely,

Gina M. Snowden

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: j.munoz@courageworldwide.org
Subject: Submitted testimony for HB1926 on Mar 21, 2014 10:00AM
Date: Thursday, March 20, 2014 2:54:08 PM

HB1926

Submitted on: 3/20/2014

Testimony for JDL on Mar 21, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica Munoz	Individual	Support	No

Comments: Please support the Bill proposed by PASS, Imua Alliance, and other stakeholders Please amend HB1926 HD1 to include the following language: EXCLUDING LAW ENFORCEMENT FROM USING SEXUAL PENETRATION Add to Section 3 the following change to 712-1200(5) (taken from the original draft of the bill): "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[.], unless the action includes sexual penetration or sadomasochistic abuse." I would like to see a similar amendment made to Section 4, subsection (4) on page 8, lines 1 to 3: "This section shall not apply to any member of a police department, a sheriff, or a law enforcement officer acting in

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