

HB2038

HD1

LATE

TESTIMONY

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR
ON
HOUSE BILL NO. 2038, H.D. 1

March 18, 2014

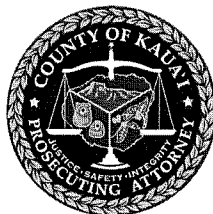
RELATING TO HUMAN TRAFFICKING

House Bill No. 2038, H.D. 1, establishes within the State treasury a special fund to be known as the Human Trafficking Victim Services Fund to be administered by the Department of Labor and Industrial Relations. The bill authorizes the deposit of unspecified amount of fees paid by individuals who are convicted of an offense under Part VIII of Chapter 707, HRS, or convicted of an offense under Part I of Chapter 712, HRS. The disbursement of money from the special fund is to be used to supplement programs, grants, or purchase of service contracts that support or provide comprehensive services to victims of labor trafficking crimes or victims of promoting prostitution.

The Department of Budget and Finance does not take any position on support and services to human trafficking victims; however, as a matter of general policy, the department does not support the creation of any special fund which does not meet the requirements of Section 37-52.3 of the HRS. In regards to House Bill No. 2038, H.D. 1, it is difficult to determine whether the proposed source of revenues will be self-sustaining or if there is a clear nexus between benefits sought and charges made upon the users or beneficiaries of the program.

Justin F. Kollar
Prosecuting Attorney

Kevin K. Takata
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White, LCSW
Victim/Witness Program Director

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TESTIMONY IN SUPPORT OF
H.B. NO. 2038 HD1
A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING

Justin F. Kollar, Prosecuting Attorney  3-17-14
County of Kauai

Senate Committee on Judiciary and Labor

Tuesday, March 18, 2014
10:00 a.m., Room 016

Honorable Chair Hee, Vice-Chair Shimabukuro, and Committee Members:

The Office of the Prosecuting Attorney, County of Kauai submits the following testimony in **strong support** of H.B. 2038 HD1, Relating to Human Trafficking.

Individuals who are survivors of human trafficking often face immediate need for access to very basic and life-sustaining services including toiletries and food. They also require long-term access to stable and supportive environments such as licensed residential treatment facilities. Currently, these individuals can only be serviced in mainland facilities.

The problem of human trafficking in Hawaii is real and it is incumbent on us to recognize the severity of the problem and to work to alleviate it. This bill is a step in that direction.

For these reasons, we **strongly support** H.B. 2038 HD1 as written. We ask the Committee to **pass** the bill. Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: annsfreed@gmail.com
Subject: Submitted testimony for HB2038 on Mar 18, 2014 10:00AM
Date: Monday, March 17, 2014 11:52:48 PM

HB2038

Submitted on: 3/17/2014

Testimony for JDL on Mar 18, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Hawaii Women's Coalition	Support	No

Comments: The Hawai`i Women's Coalition is in support of this measure. What is most needed in the sex trafficking of women and girls is a way out. This measure would provide funding for services to the victims of this heinous crime.

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

**TESTIMONY FOR HOUSE BILL 2038, HOUSE DRAFT 1, RELATING TO HUMAN
TRAFFICKING**

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

**Tuesday, March 18, 2014, 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 175 local members. On behalf of our members, we offer this testimony in support of, with proposed amendments for House Bill 2038, HD1, relating to human trafficking.

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 prostitution (pimps), 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 problem of human trafficking in Hawaii, especially sex-trafficking, has been highlighted. Today, IMUAlliance and Pacific Alliance to Stop Slavery, in a joint and ongoing study, estimate that there are no less than 125 high-risk sex-trafficking establishments in our state, mostly located in the City and County of Honolulu. Based on the upward trajectory in the number of cases being prosecuted as well as our experience as a victim services organization, we estimate that the fund called for by this bill would generate a self-sustaining \$150,000 per year, at minimum, if the fee amounts are amended to comport with national standards.

By creating a human trafficking victim services fund, this bill ensures that those who perpetrate exploitation on our shores pay for the services their victims demand, which include medical and psychological care, housing, and drug rehabilitation (particularly if narcotics have been used as a means of coercion). Victim rehabilitation takes an average of two years, though some of the traumatic effects of sexual exploitation can linger for a lifetime. The fund would be capitalized by levying a fee on persons convicted of the following trafficking and trafficking-related crimes: labor trafficking in the first or second degree (§707-781 and §707-782, class A

and B felonies, respectively), promoting prostitution in the first or second degree (§712-1202 and §712-1203, class A and B felonies, respectively), solicitation of minors for prostitution (§712-1209.1, currently a class C felony), habitual solicitation of prostitution (712-1209.5, class C felony), promoting travel for prostitution (§712-1208, class C felony), unlawful conduct with respect to documents (§707-787, class C felony), nonpayment of wages (§707-786, class C felony or misdemeanor, depending upon amount of lost wages), solicitation of prostitution near schools or public parks (§712-1209, misdemeanor), loitering for the purpose of engaging in or advancing prostitution (§712-1206, petty misdemeanor), street solicitation of prostitution in designated areas (§712-1207, petty misdemeanor), and general prostitution (§712-1200, petty misdemeanor).

To align the fees imposed by this bill with national standards and best prosecutorial practices, **we urge the committee to revise page 1, lines 13 to 17 to read:**

- (a) **\$5,000** when the offense is a class A felony;
- (b) **\$2,500** when the offense is a class B felony;
- (c) **\$1,000** when the offense is a class C felony;
- (d) **\$500** when the offense is a misdemeanor; or
- (e) **\$250** when the offense is a petty misdemeanor.

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

Sincerely,
Kris Coffield
Legislative Director

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: jodyallione39@gmail.com
Subject: Submitted testimony for HB2038 on Mar 18, 2014 10:00AM
Date: Monday, March 17, 2014 2:43:06 PM

HB2038

Submitted on: 3/17/2014

Testimony for JDL on Mar 18, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Jody Allione	Courage Worldwide	Support	No

Comments: Mandatory to correct a grievous injustice against Domestic Minor Survivors of Sex Trafficking.

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

Tyler W. Gifford
2067 Kilakila Dr. B
Honolulu, HI 96817

Tuesday, March 18, 2014

In **Strong Support** for HB2038 HD1 relating to Human Trafficking

Aloha Committee on Judiciary and Labor. I am Tyler W. Gifford, a concerned citizen. I am in strong support of HB2038 HD1 relating to human trafficking. Human trafficking is a growing problem around the world and in Hawaii. In many ways Hawaii is the perfect environment for traffickers to prey on victims because many have dreams of experiencing life outside of these beautiful islands. Many teenagers and young adults with the hopes of a better life can fall victim to the “promises” of their captures and follow blindly into their hands only to be exploited.

As many survivors of human trafficking know, life after can be very difficult and rehabilitation is a lengthy and expensive process. By establishing a victims services fund for human trafficking we are giving those rescued from brothels, massage parlors, and forced labor fields a new opportunity. An opportunity to make up for lost time, an opportunity to establish themselves as an integral part of our communities. At the same time we are making perpetrators of human trafficking pay for the exploitation of our keiki.

I urge you to pass HB2038 HD1 so that we may protect our future

generations. Thank you for this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: usnvasquez1210@gmail.com
Subject: Submitted testimony for HB2038 on Mar 18, 2014 10:00AM
Date: Monday, March 17, 2014 10:09:33 AM

HB2038

Submitted on: 3/17/2014

Testimony for JDL on Mar 18, 2014 10:00AM in Conference Room 016

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

Comments: I support this bill

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Cc: breaking-the-silence@hotmail.com
Subject: Submitted testimony for HB2038 on Mar 18, 2014 10:00AM
Date: Monday, March 17, 2014 11:24:50 AM

HB2038

Submitted on: 3/17/2014

Testimony for JDL on Mar 18, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments: Please support this important measure!

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Cc: tracysy@hawaii.edu
Subject: *Submitted testimony for HB2038 on Mar 18, 2014 10:00AM*
Date: Monday, March 17, 2014 11:40:57 AM

HB2038

Submitted on: 3/17/2014

Testimony for JDL on Mar 18, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Tracy S	Individual	Support	No

Comments:

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Cc: email@joannawright.org
Subject: Submitted testimony for HB2038 on Mar 18, 2014 10:00AM
Date: Monday, March 17, 2014 12:37:14 PM

HB2038

Submitted on: 3/17/2014

Testimony for JDL on Mar 18, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Joanna Wright	Individual	Support	No

Comments: Please support this Bill. As a society that values justice, compassion, and human rights, we must adequately support victims of crime, especially those who are most vulnerable.

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Cc: krstcmpbl@gmail.com
Subject: *Submitted testimony for HB2038 on Mar 18, 2014 10:00AM*
Date: Monday, March 17, 2014 2:55:01 PM

HB2038

Submitted on: 3/17/2014

Testimony for JDL on Mar 18, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Kirstie Campbell	Individual	Support	No

Comments:

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Cc: sweethomehawaii@gmail.com
Subject: Submitted testimony for HB2038 on Mar 18, 2014 10:00AM
Date: Tuesday, March 18, 2014 6:50:57 AM

HB2038

Submitted on: 3/18/2014

Testimony for JDL on Mar 18, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Stephanie Buck	Individual	Support	No

Comments: Please support this important bill to help fund healing and restoration programs for the victims of sex trafficking. Mahalo for your consideration.

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