



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OFFICE OF COMMUNITY SERVICES
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January 23, 2014

To: The Honorable Mark M. Nakashima, Chair
Kyle T. Yamashita, Vice Chair; and
Members of the House Committee on Labor & Public Employment

From: Office of Community Services (OCS),
Department of Labor and Industrial Relations (DLIR)
Mila Kaahanui, Executive Director

Subject: HB2038, Relating to Human Trafficking

Date: Friday, January 24, 2014
Time: 8:30 a.m.
Place: House Conference Room 309

POSITION: **Support with Comments**

The Office of Community Services (OCS), a State office administratively located in the DLIR, supports the intent of this bill and respectfully offers comments. OCS currently administers a Federal program serving human trafficking victims and believes that the intent of the legislation, which would potentially increase funds for additional services to human trafficking victims, is meritorious.

I. OVERVIEW OF THIS PROPOSAL

This bill proposes to create a special fund to support services for human trafficking victims. The special fund would receive fees assessed against persons found guilty of engaging in human trafficking and/or prostitution offenses.

The bill makes clear that, where funds available from the convicted person would be inadequate to both pay the fee and to provide compensation to the victim(s) of the person's acts, compensation to the victim would have priority.

II. CURRENT LAW

Currently, there is no avenue in State law for obtaining funding for victim services from

persons convicted of trafficking crimes. There is no regular avenue, other than through Legislative appropriations, for the State to fund programs to provide services to victims of human trafficking.

III. COMMENTS ON THE HOUSE BILL

We believe that it is appropriate and just that compensation for victims be given first priority, if funds from the convicted persons are limited.

The measure does not make any appropriation for “seed money” for the special fund. OCS would support the appropriation of seed money for the special fund, provided that such an appropriation does not supplant the funding priorities of the Administration. If an appropriation is to be made, the effective date would need to be changed to July 1, 2014.

Thank you for the opportunity to provide our comments.

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
ON
HOUSE BILL NO. 2038

January 24, 2014

RELATING TO HUMAN TRAFFICKING

House Bill No. 2038 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 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, 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.

I encourage the Legislature to scrutinize the fiscal and operational plan for this program to ensure that it does conform to the requirements of Section 37-52.3, HRS.



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

TESTIMONY FOR HOUSE BILL 2038, RELATING TO HUMAN TRAFFICKING

House Committee on Labor
Hon. Mark M. Nakashima, Chair
Hon. Kyle T. Yamashita, Vice Chair

Friday, January 24, 2014, 8:30 AM
State Capitol, Conference Room 309

Honorable Chair Nakashima 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, 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, 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 Hawaii, mostly located in the City and County of Honolulu.

By creating a human trafficking victim services fund, this bill would ensure that those who perpetrate exploitation on our shores will pay for the services their victims demand. 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).

That said, we understand the fees called for in this bill may be perceived as overly penalizing and dealigned best prosecutorial practices, particularly since in the pecking order of legal penalties, fees are paid *after* restitution and fines. Accordingly, we **urge you to blank out the fee amounts listed on page 1, lines 13 to 17 of the bill, allowing the House Judiciary Committee to determine fee amounts that comport with national and state criminal justice standards.**

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

Sincerely,
Kris Coffield
Legislative Director

yamashita1

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, January 22, 2014 4:45 PM
To: LABtestimony
Cc: breaking-the-silence@hotmail.com
Subject: *Submitted testimony for HB2038 on Jan 24, 2014 08:30AM*

HB2038

Submitted on: 1/22/2014

Testimony for LAB on Jan 24, 2014 08:30AM in Conference Room 309

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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**TESTIMONY IN SUPPORT OF HB 2038
PRESENTED TO THE HOUSE COMMITTEE ON LABOR AND PUBLIC
EMPLOYMENT
January 23, 2014**

Mr. Chairman and members of the House Labor and Public Employment Committee:

My name is James Dold and I am submitting testimony in support of HB 2038 by Representative Karen Awana. In my prior professional role I worked at a National anti-human trafficking organization that provided services to victims and advocated on behalf of stronger policies to protect victims.

Human trafficking is modern-day slavery, and it is one of the fastest growing criminal industries in the world, consisting of the subjugation, recruitment, harboring, or transportation of people for the purpose of forced labor or services or commercial sexual exploitation. Victims of human trafficking in the United States include children and adults, as well as foreign nationals and U.S. citizens.

The International Labour Organization reports that 20.9 million people are trafficked around the world at any time. Hundreds of thousands are trafficked within the United States with many of those being children. Since 2007, the NHTRC Hotline has received more than received **250** calls from Hawaii referencing **73** potential victims of human trafficking. This data shows that there are several victims of human trafficking in Hawaii, many of whom need help and support as they begin to try to move on and rebuild their lives.

I support HB 2038 because the provisions of this bill, if signed into law, will make a difference in the lives of human trafficking victims in Hawaii. HB 2038 establishes the human trafficking victim services fund to be administered by the department of labor and industrial relations to provide support and services to human trafficking victims. It would allow the state to allocate money from the account to non-governmental organizations and service providers to establish or provide services to victims of human trafficking.

HB 2038 fills a critical gap by ensuring that a funding mechanism is in place to help victims of trafficking get the resources and services they need and deserve. I urge this Committee to vote favorably upon HB 2038, which if passed, will make a difference in the lives of victims of human trafficking and modern day slavery.

Respectfully,



James L. Dold

yamashita1

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 23, 2014 1:59 PM
To: LABtestimony
Cc: k.schneider@courageworldwide.org
Subject: *Submitted testimony for HB2038 on Jan 24, 2014 08:30AM*

HB2038

Submitted on: 1/23/2014

Testimony for LAB on Jan 24, 2014 08:30AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Leslie Muirhead	CWWH	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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yamashita1

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 23, 2014 2:18 PM
To: LABtestimony
Cc: kaleos@lava.net
Subject: *Submitted testimony for HB2038 on Jan 24, 2014 08:30AM*

HB2038

Submitted on: 1/23/2014

Testimony for LAB on Jan 24, 2014 08:30AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Kaleo Schneider	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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yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 2:38 PM
To: LABtestimony
Subject: Kainoa Canario- Testimony HB2038

My name is Kainoa Canario and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

kainoacanario@gmail.com

Courage Worldwide Hawaii Volunteer

yamashita1

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 23, 2014 2:38 PM
To: LABtestimony
Cc: JanCook@HappinessHawaii.com
Subject: Submitted testimony for HB2038 on Jan 24, 2014 08:30AM

HB2038

Submitted on: 1/23/2014

Testimony for LAB on Jan 24, 2014 08:30AM in Conference Room 309

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

Comments: In support of HB 2038

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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yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 2:39 PM
To: LABtestimony
Subject: Taylor Holly Testimony HB2038

My name is Taylor Holly and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

oxtaylorholly@yahoo.com

Courage Worldwide Hawaii Volunteer

yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 2:40 PM
To: LABtestimony
Subject: Tracie Johnson Testimony HB2038

My name is Tracie Johnson and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

animalhouse88@aol.com

Courage Worldwide Hawaii Volunteer

yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 2:42 PM
To: LABtestimony
Subject: Kylie Kuhns Testimony HB2038

My name is Kylie Kuhns and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

kyliekuhns@ymail.com

Courage Worldwide Hawaii Volunteer

yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 2:43 PM
To: LABtestimony
Subject: Brianna Felix-Reyes testimony HB2038

My name is Brianna Felix-Reyes and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

bfelixreyes@yahoo.com

Courage Worldwide Hawaii Volunteer

yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 2:45 PM
To: LABtestimony
Subject: Ashley Perbera testimony HB2038

My name is Ashley Perbera and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

ashley.perbera@yahoo.com

Courage Worldwide Hawaii Volunteer

yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 2:46 PM
To: LABtestimony
Subject: Allison Ancheta Testimony HB2028

My name is Allison Anchetta and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

ally46808@gmail.com

Courage Worldwide Hawaii Volunteer

yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 2:48 PM
To: LABtestimony
Subject: Lois Nelson Testimony HB2038

My name is Lois Nelson and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

lodyodyo@gmail.com

Courage Worldwide Hawaii Volunteer

yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 2:35 PM
To: LABtestimony
Subject: Mahina Souza Testimony

My name is Mahina Souza and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

mahina.souza@gmail.com

Courage Worldwide Hawaii Volunteer
Smart Courage Education

yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 3:06 PM
To: LABtestimony
Subject: Chula Harrison testimony HB2038

My name is Chula Harrison and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

chulaharrison@gmail.com

Courage Worldwide Hawaii Volunteer

yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 3:09 PM
To: LABtestimony
Subject: Michelle St. John-Testimony HB2038

My name is Michelle St. John and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

pohaika@aol.com

Courage Worldwide Hawaii Volunteer

yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 3:11 PM
To: LABtestimony
Subject: Joyce Chang testimony HB2038

My name is Joyce Chang and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

joyce.ym.chang@gmail.com

Courage Worldwide Hawaii Volunteer

yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 3:13 PM
To: LABtestimony
Subject: Susie Johnston- Hemmings testimony HB2038

My name is Susie Johnston Hemmings and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

suzy@cpbpacific.com

Courage World Wide Volunteer

yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 3:21 PM
To: LABtestimony
Subject: Kehau Kea Testimony HB2038

My name is Kehau Kea and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

kkea@hawaiiantel.net

Courage Worldwide Hawaii Volunteer

yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 3:22 PM
To: LABtestimony
Subject: Kelley Oshiro Testimony HB2038

My name is Kelley Oshiro and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

kelleyoshiro@hotmail.com

Courage Worldwide Hawaii Volunteer

yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 3:24 PM
To: LABtestimony
Subject: Alison Weeks Testimony HB2038

My name is Alison Weeks and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

alison_weeks@yahoo.com

Courage Worldwide Hawaii Volunteer

yamashita1

From: Kaleo Schneider <k.schneider@courageworldwide.org>
Sent: Thursday, January 23, 2014 3:25 PM
To: LABtestimony
Subject: Carole Jacobs Testimony HB2038

My name is Carole Jacobs and I am in support of HB2038. I am supporting PASS and IMUA Alliance as a CWWH volunteer.

xres@aol.com

Courage Worldwide Hawaii Volunteer



January 23, 2014

COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Rep. Mark M. Nakashima, Chair
Rep. Kyle T. Yamashita, Vice Chair
Rep. Henry J.C. Aquino
Rep. Kaniela Ing
Rep. Sharon E. Har
Rep. Roy M. Takumi
Rep. Linda Ichiyama
Rep. Ryan I. Yamane
Rep. Gregg Takayama
Rep. Aaron Ling Johanson

NOTICE OF HEARING

DATE: day, January 24, 2014
TIME: 10am
PLACE: Conference Room 309 State Capitol, 415 South Beretania Street

**RE: TESTIMONY IN STRONG SUPPORT OF HB2038
RELATING TO HUMAN TRAFFICKING**

Aloha, Committee on Judiciary and Labor:

Funding means the difference between saving a victim of human trafficking and losing her to revictimization. Human trafficking victims are rescued from extreme situations, often with only the clothes on their back. Their recovery hinges on our ability to immediately provide them a stable and supportive environment, including reliable shelter, access to healthcare, and basic items like clothing and toiletries. These emergency situations make it impossible for service providers to accurately budget for services and ensure that grant funds are available throughout the year for all rescued victims who need them. The reliable funding provided by HB2038 would make it possible for all victims to receive quality services, regardless of when they are rescued.

Victims of human trafficking require and deserve access to quality, licensed residential treatment facilities, which don't currently exist in Hawai'i. By passing HB2038, we could fund the establishment of a local treatment facility, thereby saving thousands of dollars in victims' travel expenses to mainland facilities. Furthermore, the vast majority of child victims served by the Pacific Alliance to Stop Slavery are Pacific Islanders originally from Hawai'i. Receiving culturally appropriate treatment nearer to their home communities and family support systems would support their healing process and safeguard against potential revictimization.

Against all odds, many of young trafficking victims set their sights on college. One particular survivor comes to mind; her dream is to become a dental hygienist. For her, funding means the difference between paying for school to achieve financial independence and going back to the street just to survive.

Sincerely,
Kathryn Xian
Executive Director