



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

H.B. NO. 1902, H.D. 1, RELATING TO SEX TRAFFICKING.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Wednesday, March 2, 2016

TIME: 11:00 a.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Lance M. Goto, Deputy Attorney General

Chair Luke and Members of the Committee:

The Department of the Attorney General recommends a few friendly amendments to this bill, but otherwise supports this bill.

The purpose of this bill is to rename the offense of Promoting Prostitution in the First Degree to "Sex Trafficking," classify it as a violent crime for purposes of the Crime Victim Compensation laws, and make a Sex Trafficking offender strictly liable when the person subjected to prostitution was less than eighteen years old. The bill provides that the offense of prostitution, when committed by a person younger than eighteen years of age, is a violation; and when committed by a person who paid, agreed to pay, or offered to pay a fee to engage in sexual conduct with another person, and who recklessly disregarded the fact that the other person is a victim of sex trafficking, is a class C felony. It expands the Department of the Attorney General's Statewide Witness Program to include Sex Trafficking; and it amends laws relating to civil liability for cases of coercion into prostitution to include Sex Trafficking. The bill also adds Sex Trafficking to the list of covered offenses subject to the forfeiture laws and the list of offenses for which an investigating agency might obtain court approval to intercept communications. And finally, the bill makes the offense of Sex Trafficking a tier 2 offense under the sex offender registration laws.

The Department has concerns about the proposed amendments to the Prostitution law on pages 8-10 of the bill. The bill on page 8, lines 3-9, defines what constitutes the offense of Prostitution. The current amendment on lines 5-6 requires that the offender be eighteen years of age or older. But it is clear from the bill, on page 10, lines 13-15, that it intends that the

Prostitution offense apply to all offenders, including juveniles. Therefore, the age provision on page 8, lines 5-6, should be deleted such that the revised subsection (1)(a) should read as follows:

The person engages in, or agrees or offers to engage in, sexual conduct with another person for a fee.

The age provision should be placed on line 14, in the penalty subsection, such that subsection (3) should read as follows:

Prostitution is a petty misdemeanor, except when a person commits a violation of subsection (1)(a) and is less than eighteen years of age, then prostitution is a violation.

With these revisions, subsection (6) on page 10 of the bill, at lines 13-19, should be amended to read as follows:

A person less than eighteen years of age, who commits a violation of subsection (1)(a), shall be subject to the jurisdiction of the family court that shall handle the matter as a criminal offense pursuant to section 571-11(1), including for the purposes of custody, detention, diversion, and access to services and resources.

The Department also has concerns about the proposed amendment to the penalty provision for the offense of Prostitution on page 8 of the bill, at lines 14-18:

Prostitution is a petty misdemeanor; provided that that it is a class C felony if the person who paid, agreed to pay, or offered to pay a fee to engage in sexual conduct with another person did so in reckless disregard of the fact that the other person was or is a victim of sex trafficking.

This is the penalty provision for the offense, as defined on page 8 of the bill, at lines 3-9. But the proposed amendment does more than amend the penalties for the offense; it creates a new class C felony offense with the additional material element that the offender committed the offense "in reckless disregard of the fact that the other person was or is a victim of sex trafficking." We recommend that this new offense should be established in subsection (1) of section 712-1200, where the Prostitution offense is defined, or in a separate section in chapter 712, as a different offense. Creating it in a new section, will prevent it from being confused with the petty misdemeanor offense, and will make it identifiable for purposes of charging and criminal history record keeping.

With respect to the new material element that the offender "did so in reckless disregard of the fact that the other person was or is a victim of sex trafficking," the Department notes that the

phrase "was or is a victim of sex trafficking" is ambiguous and should be clarified. If the person was a victim of sex trafficking, it could mean that the person was previously a victim many years before, but is no longer a victim of sex trafficking.

Thank you for the opportunity to testify.

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 SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai`i**

March 2, 2016

RE: H.B. 1902, H.D. 1; RELATING TO SEX TRAFFICKING.

Chair Luke, Vice Chair Nishimoto and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in opposition to House Bill 1902, House Draft 1, particularly to Sections 12 and 14.

The Department strongly believes that Hawaii’s existing statutes are already very strong tools for deterring and prosecuting all forms of “sexual human trafficking,” even though they are entitled “Promoting Prostitution” (in the First and Second Degree). As-is, the Department has successfully used these statutes to prosecute offenders of sex trafficking-type offenses, and has been a strong advocate for holding offenders accountable to the fullest extent of the law. In 2011, the Department also submitted legislative bills—which were ultimately enacted—to heighten protections for victims of these crimes, and to increase the penalties for perpetrators. Since then, the Department has used these laws to successfully prosecute and convict a multitude of offenders, with more cases currently pending prosecution.

Given the current strength of our laws, any changes—such as those proposed in Section 14 of this bill—could negatively impact our prosecution of these cases, and could negatively impact the way our juries and courts apply and interpret this statute in trial. We are particularly concerned about the proposal to include multiple states of mind in Section 712-1202, Hawaii Revised Statutes (“HRS”), which could lead to unintended court interpretations or consequences. To address this issue, we would recommend that the word “knowingly” be deleted from page 11, line 8, then added separately to lines 9 and 13.

The Department also opposes Section 12 of this bill, as it purports to treat any offense of prostitution—if committed by a minor—as a violation (i.e. non-crime). While additional language attempts to give Family Court the authority to handle these matters as a “criminal

offense” for “purposes of custody, detention, diversion, and access to services and resources,” no such authority is granted to law enforcement officers, who are responsible for the initial identification, detention and transport of these minors. As currently written, law enforcement would not be authorized to take these minors into custody, and their only option would likely be to contact the minors’ parents for pick-up.

Even the language currently proposed to authorize Family Court jurisdiction would be entirely unique and unprecedented within the juvenile justice system, and there are no assurances that our Family Court, juvenile detention facilities, service providers, etc would indeed be able to utilize these provisions as intended. While we are not intimately familiar with the numerous rules, regulations, or liability concerns that all of these various bodies and service providers must abide by, such issues are of great concern to our department, as we strongly believe that minors who are involved in prostitution—generally speaking—are in great need of treatment and counseling on a mandatory, extended, residential basis. This is not available for minors who commit violations (i.e. non-crimes), and it is unclear whether the proposed language—making this one charge the sole exception—would effectively empower all involved parties to act otherwise. Again, we note that law enforcement is not even afforded such language, aside from any concerns about whether such would be effective or not.

On a technical note, the proposed language makes no mention of whether Family Court could impose probation—the mechanism by which the court requires a minor to comply with the court’s orders—in the list of purposes for which these offenses may be handled under section 571-11(1), Hawaii Revised Statutes.

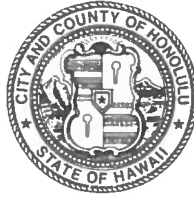
Given the huge uncertainty of whether the proposed language would have the desired effects, we do not agree that this risk outweighs the need to ensure access to treatment for these minors. As HRS 712-1200 currently stands, minors can be held and provided treatment as necessary, without such uncertainty; indeed, the greatest need is actually for appropriate residential programs to properly treat these minors. We would also emphasize that all juvenile justice records are sealed upon the minor reaching 18 years old, and those records are not disclosed thereafter. Thus, being adjudicated for law violations as a juvenile has minimal impact on a person’s future educational or occupational prospects.

Despite our disagreement with this bill, we appreciate the work of the various advocates and will continue to aggressively pursue all cases involving sexual exploitation of victims. We will also continue to identify and divert victims of promoting prostitution from the criminal process and refer them to needed services.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes H.B. 1902, H.D. 1. Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honoluluupd.org



KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

MARIE A. McCAULEY
CARY OKIMOTO
DEPUTY CHIEFS

OUR REFERENCE CT-TA

March 2, 2016

The Honorable Sylvia Luke, Chair
and Members
Committee on Finance
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Luke and Members:

SUBJECT: House Bill No. 1902, H.D. 1, Relating to Sex Trafficking

I am Calvin Tong, Major of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes House Bill No. 1902, H.D. 1, Relating to Sex Trafficking, as written.

On page 8, Section 12 of the bill seeks to amend Hawaii Revised Statutes Section 712-1200, Prostitution, so that an offender younger than eighteen years of age shall have committed a violation. Although the bill authorizes the family court to handle the matter as a criminal offense, there is no such authorization for law enforcement.

Offenders who commit violations are not subject to arrest unless the arrest also includes criminal offenses. Law enforcement cannot hold status offenders in secure detention. In addition, status offenders are released to a parent, guardian, or another responsible adult unless the juvenile has outstanding warrants or letters of apprehension on file.

We understand the intent for a more victim-centered approach, but as written, the bill neglects to give the law enforcement officers the authority to place a juvenile offender into custody or detention that is probably needed to rescue him or her from sex trafficking.


The Honolulu Police Department urges you to oppose House Bill No. 1902, H.D. 1, Relating to Sex Trafficking.

Thank you for the opportunity to testify.

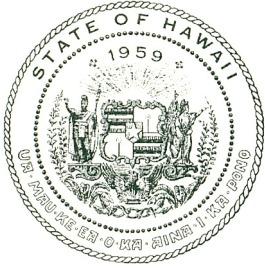
APPROVED:

Sincerely,


Louis M. Kealoha
Chief of Police


Calvin Tong, Major
Narcotics/Vice Division

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA
CYD HOFFELD
JUDY KERN
MARILYN LEE
AMY MONK
LISA ELLEN SMITH

Executive Director
Cathy Betts, JD

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235 S. Beretania #407
Honolulu, HI 96813
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March 2, 2016

Testimony in Support of HB 1902, HD1, Relating to Sex Trafficking

To: Representative Sylvia Luke, Chair
Representative Scott Nishimoto, Vice Chair
Members of the House Committee on Finance

From: Cathy Betts, Executive Director
Hawai'i State Commission on the Status of Women

Re: Testimony in Support of HB 1902, HD1

On behalf of the Hawaii State Commission on the Status of Women, I would like to provide testimony in support of HB 1902, HD1, which would define the crimes of sex trafficking and promoting prostitution while strengthening enforcement of laws and penalties against sex traffickers. Additionally, HB 1902, HD1, proposes to strengthen protections, civil remedies, and services for victims.

Children are the most at risk demographic for sex trafficking. The average age of entry into prostitution is between 12 and 13 years old. Hawaii law currently makes it very difficult for a victim to escape sex trafficking by likening victims to willing participants in a criminal act. HB 1902, HD1, seeks to amend our penal code such that victims of sex trafficking, especially child victims, would not be labeled and treated as criminals. Further, it would reduce barriers that prevent victims of sex trafficking from obtaining resources, support, and treatment services.

Its time that Hawaii passes a comprehensive, victim centered, anti trafficking law. The Commission strongly supports the language in HB 1902, HD1, and respectfully urges this Committee to pass this bill. Thank you for the opportunity to testify in support.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 01, 2016 8:26 AM
To: FINTestimony
Cc: mgolojuch@hotmail.com
Subject: *Submitted testimony for HB1902 on Mar 2, 2016 11:00AM*

HB1902

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	Yes

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
Sent: Monday, February 29, 2016 2:35 PM
To: FINTestimony
Cc: annsfreed@gmail.com
Subject: Submitted testimony for HB1902 on Mar 2, 2016 11:00AM

HB1902

Submitted on: 2/29/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

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

Comments: As in our previous testimony of record, we are in support of this measure, Ann S. Freed, Co-Chair Hawaii Women's Coalition

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 1:43 PM
To: FINTestimony
Cc: laurie.field@ppvnh.org
Subject: *Submitted testimony for HB1902 on Mar 2, 2016 11:00AM*

HB1902

Submitted on: 2/29/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

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

**TESTIMONY FOR HOUSE BILL 1902, HOUSE DRAFT 1, RELATING TO
SEX TRAFFICKING**

**House Committee on Finance
Hon. Sylvia Luke, Chair
Hon. Scott Y. Nishimoto, Vice Chair**

**Wednesday, March 2, 2016, 11:00 AM
State Capitol, Conference Room 308**

Honorable Chair Luke and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 350 local members. On behalf of our members, we offer this testimony **in strong support of** HB 1902, HD1, relating to sex trafficking.

It's time. A half-decade after our state enacted its first human trafficking law, the moment has come to ban sex trafficking in Hawai'i. In the last five years, policymakers and anti-trafficking activists have made numerous changes to the islands' prostitution code to curb sexual exploitation. In 2011, we increased the grade of offense for promoting prostitution violations to class A and B felonies, subjecting abusive pimps to lengthy jail sentences. In 2012, we made it possible for trafficking survivors to vacate prostitution convictions that were the result of coercion. In 2013, we attacked demand for the sexual exploitation of children by criminalizing solicitation of minors for prostitution. We also required our state's approximately 150 high-risk sex-trafficking establishments, like strip clubs and hostess bars, to put up a poster with the National Human Trafficking Hotline number, and took away the ability for johns to get out of jail free by deferring their sentences. Last year, we closed a loophole that allowed law enforcement to have sex with trafficking survivors during prostitution busts. Equally importantly, we removed the "mistake of age" defense for criminals who buy sex with kids, permitted reverse stings to catch child predators, and raised fines and fees for prostitution charges to make perpetrators pay for the rehabilitation of their victims.

Yet, the progress we've made isn't enough. Hawai'i is the only state in the nation without a comprehensive, victim-first sex trafficking ban (Virginia, the only other state without a ban, passed a sex trafficking law last February). Put simply, we still haven't outlawed slavery on our shores. Make no mistake, sexual slavery is what we're targeting. Victims of sex trafficking are no more in control of their actions than Africans oppressed under chattel slavery. According to the U.S. Department of Health and Human Services, sex trafficking survivors experience “terrorizing physical and sexual violence,” as well as “multiple layers of trauma, including psychological damage from captivity and fear of reprisals if escape is contemplated, brainwashing, and for some, a long history of family, community, or national violence.” Studies show that 80 percent of prostituted persons report being raped and as many as 95 percent report being physically assaulted, according to the U.S. Department of State, which notes that such statistics are likely lower than reality because of heightened victim traumatization. Moreover, nearly 90 percent of prostituted women reported a strong desire to escape in a 2003 study published in the *Journal of Trauma Practice*, a number that's made more urgent by the fact that the average age of entry into the American commercial sex industry is 13-years-old.

Victims of sexual and psychological terror should not be called criminals. Rather, they should be provided with the services needed to restore their health and dignity. When we hoist the “prostitution” label on sex trafficking survivors, as Hawai'i's promoting prostitution laws inherently do, we brand them with a unjust code that impedes their ability to obtain housing, higher education, and employment. Branding is a way that pimps mark their victims as property. It has no place in the restoration of human rights. This legal circumstance is exacerbated by the fact that, under HRS §712-1200, johns and prostitutes are criminalized under the same law, creating a mind-boggling legal mess in which sex trafficking victims are penalized with the men who finance their subjugation (and creating a situation in which strengthening penalties for johns concurrently hardens sentences for victims, who are frequently misidentified as voluntary prostitutes and prosecuted for selling sex).

Hawaii is also at high risk of sex trafficking that is expedited by the internet, also known as “cybertrafficking.” Each year, pimps post roughly 110,000 ads for Hawai'i-based prostitution online, using the adult services sections of websites like Backpage.com. High-risk sex trafficking businesses, like massage parlors and escort services, use advertisements featuring nude and semi-nude images to sell sexual exploitation to johns. Legitimate relaxation enterprises are unlikely to risk being mistaken for houses of prostitution by featuring pornographic images in their ads,

but brothel owners rely on this kind of commercial deception to peddle sexual subjugation. All too frequently, these businesses, along with pimps using the Internet to cloak street- or hotel-based prostitution, escape accountability for their crimes because of a lack of clarity in our promoting prostitution statutes.

To prevent our sands from being sullied by sexual servitude, lawmakers must approve HB 1902, establishing a sex trafficking statute, while recognizing sex trafficking as a violent offense whose victims should be eligible for crime victim compensation to cover medical and psychological care. Admittedly, implementing a sweeping sex trafficking ban won't cure the islands of sexual slavery. It will lift the label of prostitution off of survivors' heads, though, and allow victims to be accurately identified and placed within a coordinated social services network that unites governmental resources with nongovernmental trauma response expertise.

We additionally note that this bill rectifies concerns raised by the Honolulu Prosecutor that led to the Gov. David Ige's veto of Senate Bill 265, last year's version of the sex trafficking ban. Specifically, HB 1902 leaves intact the lesser offense of "promoting prostitution" for prosecutors to use when handling difficult cases (such as cases involving reluctant witnesses) and the arrangement of plea deals. This draft also eliminates language giving rise to the unintended consequence of requiring prosecutors to prove that a pimp or trafficker knew the exact age of their victim in cases involving either "sex trafficking" or "promoting prostitution," while holding traffickers strictly liable for the exploitation of minors and respecting prosecutorial discretion in cases involving the trafficking of adults—with the latter cases being prosecuted as "sex trafficking" if evidence of "force, fraud, threat, or coercion" can be presented. Problematic language enumerating specific violent crimes as means of compelling a person into or profiting from sex trafficking—for example, kidnapping under §707-720, sexual assault under §707-731 and §707-732, or unlawful imprisonment under §707-721 and §707-722—moreover, have been stricken from this draft, safeguarding against law enforcement and prosecutors having to prove the facts of a specific violent crime *before* prosecuting a sex trafficking case.

Finally, **we are heartened that this bill makes solicitation of sex from a person in reckless disregard that the person is a victim of sex trafficking a felony offense.** IMUAlliance regularly engages in direct intervention on behalf of sex trafficking victims, often in the places at which trafficking occurs—strip clubs, massage parlors, hostess bars, relaxation therapy establishments, and local street "tracks." Within the context of our outreach efforts, we regularly see johns purchase sexual services from victims who have just been beaten, raped, or otherwise

assaulted, with the attacks frequently occurring in plain view and, at times, in conjunction with money being given to the assailant. Similarly, johns will frequently purchase sex from a victim being advertised as a minor or after having been told by a pimp, trafficker, or mamasan that a girl is foreign, speaks limited English, or is new to the sex industry. These circumstances, among others, should be enough for a reasonable individual to suspect that a prostituted person is likely to be a victim of trafficking. For johns who disregard visible and apparent evidence of sex trafficking, we feel that the penalty for engaging in prostitution should be higher than for johns who pay \$200 for a casual sexual encounter in which force, fraud, threat, or intimidation are never evinced.

While stopping sex trafficking is an ambitious goal, passing this proposal will signal our common commitment to that cause. It will send the message that slavery will not be tolerated on our watch. Not in our neighborhoods. Not on our islands. Not anymore. Mahalo for the opportunity to testify **in strong support** of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance



To: Representative Sylvia Luke, Chair
Representative Scott Nishimoto, Vice Chair,
Members of the House Committee on Finance

From: Rev. Dr. Catherine Ishida
Advocacy Committee Chair
Zonta Club of Hilo

February 29, 2016

Testimony in Support of HB 1902 HD1, Relating to Sex Trafficking

On behalf of the members of the Zonta Club of Hilo, I write in support of HB1902 HD 1.

The Zonta Club of Hilo is a professional womens service organization with a commitment to end violence against women. We are part of Zonta International, an organization empowering women at global and local levels, and promoting justice and universal respect for human rights and fundamental freedoms.

We respectfully urge the committee to pass this bill to strengthen the prosecution of the crime of sex trafficking and protect its victims.

HB1902 clarifies existing laws, increases penalties against sex trafficking, and recognizes victims as victims rather than criminals. It increases protection and support for victims, especially those under eighteen who are most at risk of being trafficked.

Although Hawaii is a source, destination and transit location for sex trafficking, it remains the only state in the United States without a comprehensive law specifically criminalizing sex trafficking and protecting victims. It's time that we have such a law.



250 Vineyard Street
Honolulu, Hawaii 96813
(808) 521-9531

FamilyProgramsHawaii.com

TO: Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Committee on Finance

HEARING: Wednesday, March 2, 2016
11:00 AM
Conference Room 308

FROM: Judith Wilhoite, Family Advocate, Family Program Hawaii, It Takes An Ohana

RE: HB1902 - Relating to Sex Trafficking

Thank you for the opportunity to testify. I am the Family Advocate for Family Program Hawaii's It Takes An Ohana (ITAO) program and a resource caregiver, formerly referred to as foster parent. ITAO has an Advisory Committee (IAC) made up of resource caregivers and adoptive parents. IAC strongly supports HB1902.

Statistics from the Department of Justice show that the average age of entry for girls into sex trafficking is between 12 to 14 years.ⁱ Even more horrifying to a resource caregiver are reports that 74% of children reported missing to the National Center for Missing and Exploited Children who are likely sex trafficking victims were in foster care or group homes when they ran away.ⁱⁱ

Foster care children are targeted by traffickers because of their need for love, affirmation, and protection. Foster children in Hawaii are even more vulnerable than many children because Hawaii is a prime location for sex trafficking because of the following factors:

- International travel destination
- Business and trade conferences
- Military hub
- Tourism
- High rate of intra-familial sexual abuse
- High occurrence of runaways
- High rate of suicide

We help kids



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In addition, demand for sex with children is steady, and profit to sex traffickers or pimps, has increased. Together, these and other factors have helped fuel sex trafficking of children.ⁱⁱⁱ

Let us all join together to protect our children from the terror of being sexually trafficked. Please pass HB1902.

i <http://www.trafficking.org/learn/statistics.aspx>

ii <http://www.missingkids.org/1in5>

ⁱⁱⁱ Meredith Dank et al., Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities, Research Report, Urban Institute, March 2014

We help kids

TESTIMONY

**The Libertarian Party of Hawaii
c/o 1658 Liholiho St #205
Honolulu, HI 96822**

RE: HB 1902 to be heard Wednesday March 2, at 11AM in conference room 308

OPPOSE

To the Members of the House Committee on Finance”

There is some good in this bill, but it is wrapped up in a lot of problematic language and confusion about what the facts are about prostitution in Hawaii. It would be a major undertaking to amend out all the bad stuff and correct the one element which is the reduction of penalties for persons under age 18 charged under section 712-1200. This could be simplified and made far more effective by changing the penalty for this section to a civil violation for all violators.

This legislation is not necessary to the ability of prosecutors to obtain convictions for persons who for purely political reasons must now be described as “sex traffickers”. It continues the process of handing out penalties for persons who cannot be shown to have harmed anyone. It flies in the face of public policy aimed at reducing our prison populations. . Why is the penalty for 712-1203 a class B felony when there is not minor or coercion involved? Why should we send people to “intervention classes” other than to put money in the pockets of the people presenting them?

The people behind this have been roundly criticized. The information circulated by the Polaris Project and others about human trafficking and what to do about it has been questioned and opposed by Amnesty International, the United Nations, the Global Alliance Against Trafficking Women, and increasingly by mainland media.

We have a good group of professional people in Hawaii in public health, social services, and out University who have very different ideas on these issues. Don’t you think the legislature should take an interest in their points of view?

Sincerely:



Tracy Ryan, Chair

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 1:59 PM
To: FINTestimony
Cc: kaleoskaleos@gmail.com
Subject: Submitted testimony for HB1902 on Mar 2, 2016 11:00AM

HB1902

Submitted on: 2/29/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Kaleo Schneider	Individual	Support	Yes

Comments: I support HB1902.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 29, 2016 3:22 PM
To: FINTestimony
Cc: janCook@HappinessHawaii.com
Subject: Submitted testimony for HB1902 on Mar 2, 2016 11:00AM

HB1902

Submitted on: 2/29/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

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

Comments: I am in strong support of HB1902.

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I am writing to urge your support for HB1902, which strengthen Hawaii's ability to combat sex trafficking.

35 Years ago I was a victim of sex trafficking, my life would have been different if the laws protected me when I was 15 years old. Please change to laws to protect our children.

If I had been identified and received services and treatment, I may not have struggled for 20 years, with drug addiction , alcohol abuse, domestic violence and sexual re-exploitation. Please pass this bill to help empower the lives of those who have been sexually exploited in Hawaii.

Sincerely,
Tammy Bitanga

Please support Lauren Matsumoto's bill to end sex trafficking. Hawaii is the only state in the nation that does not have a law against sex trafficking. The time has come for us to take action to correct this injustice. Research has shown that the women involved in sex trafficking are often minors. They are taken advantage of by opportunistic adults and are actually the victims in this situation. It is an injustice to have the victims punished while the real criminals go free. Every other state in the nation has recognized this. It is time for Hawaii to address this serious issue. It is time for us to protect our children. It is time for us to make sure the right people are punished for these crimes. Support bill 1902 and end sex trafficking in Hawaii.

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 01, 2016 5:29 PM
To: FINTestimony
Cc: kaliasea@yahoo.com
Subject: Submitted testimony for HB1902 on Mar 2, 2016 11:00AM

LATE

HB1902

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Katharine E Avery	Individual	Support	No

Comments: Sex trafficking is a crime and should be heavily prosecuted! mahalo

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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LATE



March 2, 2016

HOUSE COMMITTEE ON FINANCE

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Rep. Gene Ward

Testimony by Linda Smith, Founder and President, Shared Hope International
Washington State Rep. (1983-87), Senator (1987-94), U.S. Congress (1995-99)

Re: SUPPORT OF HB 1902, HD1 RELATING TO SEX TRAFFICKING.

DATE: Wednesday, March 2, 2016

TIME: 11:00 a.m.

PLACE: Conference Room 308, State Capitol, 415 South Beretania Street

Dear House Committee on Finance:

Shared Hope International is a non-profit organization dedicated to combating the egregious crime and human rights violations incurred by the prevalent sex trafficking of children within the United States. By pursuing comprehensive, victim-centered approaches and working alongside first responders and policymakers to fight domestic minor sex trafficking, we have found that children from all types of home environments and socioeconomic statuses are vulnerable to the manipulative approaches used by traffickers who pose as boyfriends, recruiters for modeling agencies, and the like.

Under the Protected Innocence Challenge, Shared Hope has outlined the minimum legal components essential to protect children from sex trafficking and also to ensure access to justice and provision of services to those exploited. Annually, we measure each state's laws against this framework and issue a report card. In 2015, Hawaii received a "D" grade, largely resulting from the absence of a human trafficking law that clearly identifies and defines sex trafficking as a distinct criminal offense, establishing that the exploitation of minors under 18 through

prostitution, pornography or sexual performance is a crime and providing comprehensive victim services and protections.

House Bill 1902, HD1 provides a necessary cornerstone to combat the sex trafficking of minors and provide avenues to justice for victims in Hawaii. Accordingly, House Bill 1902, HD1 deserves this Committee's wholehearted approval.

House Bill 1902, HD1 would specifically criminalize the sex trafficking of minors without requiring proof of force, fraud or coercion. Sex trafficking offenses should be defined to include all instances in which a minor is bought or sold for commercial sex, regardless of whether force or threats are proven, so that those who exploit children's vulnerabilities may be better held accountable. Since the offense, as outlined in this bill, would not require proof that the perpetrator knew a minor victim's age in order to pursue heightened penalties as a child sex trafficking offense, this bill does not increase prosecutors' burdens.

House Bill 1902, HD1 also would allow victims of sex trafficking to bring their own civil lawsuits. Ensuring that victims are afforded their day in court to pursue justice against their perpetrators and ensuring that survivors are provided avenues for compensation, which may fund needed restorative services, are vital legislative components, as the harms suffered by sex trafficking victims and, thereby, the resulting healing processes may be extensive. Undoubtedly, sex trafficking survivors are entitled to seek needed, just remedies in both civil and criminal courts.

We encourage you to vote for this bill to remove system barriers that currently prevent victims of sex trafficking from receiving the protections they need and deserve.

Sincerely,



Founder and President, Shared Hope International
Washington State Rep. (1983-87), Senator (1987-94), U.S. Congress (1995-99)

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 01, 2016 9:56 PM
To: FINTestimony
Cc: mrocca@hscadv.org
Subject: *Submitted testimony for HB1902 on Mar 2, 2016 11:00AM*

LATE

HB1902

Submitted on: 3/1/2016

Testimony for FIN on Mar 2, 2016 11:00AM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Michelle Rocca	Hawaii State Coalition Against Domestic Violence	Support	No

Comments:

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To whom it may concern,

Aloha, my name is Kaycee Beardeaux. I am a 16 year old junior from Mililani High School testifying in support of HB 1902. This past school year I have come to learn a lot about the local sex trafficking industry, and have heard too many stories of young lives ruined, and many times even brutally ended, by the cycle of trafficking that our government currently fails to take seriously. Though I have been fortunate enough to not have anyone close to me forced into this brutal and violent cycle, students from my school have been trafficked. Knowing that the presence of sex trafficking in Hawaii and in my school is only increasing. I live in constant fear of being raped, kidnapped and assaulted. My friends and I are too afraid to be out at night, and are only comfortable doing so with our male friends. When a man I don't know does something as harmless as touch my shoulder or smile at me, I fear that I am going to be raped. I urge you to support this bill to treat the crime of sex trafficking with the highest level of scrutiny under the law. I urge you to be the voice for the hundreds of young girls who have had their lives ruined or ended by this vicious industry that capitalizes off of rape culture and greed.

Thank you for your time.

LATE



March 1, 2016

COMMITTEE ON FINANCE

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Rep. Gene Ward

NOTICE OF HEARING

DATE: Wednesday, March 2, 2016
TIME: 11:00am
PLACE: Conference Room 308
State Capitol
415 South Beretania Street

**RE: IN STRONG SUPPORT OF HB1902
RELATING TO SEX TRAFFICKING**

Dear Committee on Finance:

The Pacific Alliance to Stop Slavery (PASS) strongly supports **HB1902**. Since the Governor's veto of last year's sex trafficking bill, lawmakers, the Attorney General's office, and the Honolulu Prosecutor's Office met with state and private service providers to draft HB1902, using language everyone agreed upon. HB1902 is the culmination of that collaborative work, which lasted from the end of the 2015 legislative session until the end of that year.

Hawaii currently remains the only state in the nation lacking a comprehensive, victim-centered sex trafficking law.

The struggle to establish a sex-trafficking law began in 2005 and the implementation of this statute is long overdue. A strong sex-trafficking definition would allow the state to move forward progressively in effective combatting human trafficking in a victim-centered way. Simply relying upon the current promoting prostitution statutes are not enough to protect survivors of sex trafficking from re-victimization in seeking justice.

PASS respectfully urges you to support and pass this bill. Thank you for your time and leadership.

Sincerely,

Kathryn Xian
Executive Director
Pacific Alliance to Stop Slavery

LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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KEITH M. KANESHIRO
PROSECUTING ATTORNEY



ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai'i**

March 2, 2016
Supplemental Testimony

RE: H.B. 1902, H.D. 1; RELATING TO SEX TRAFFICKING.

The Department of the Prosecuting Attorney of the City and County of Honolulu is in **opposition** to H.B. 1902, H.D.1.

However, there are some portions of the bill that we are in favor of.

If the Legislature is intent on changing the title of “promoting prostitution” to “sex trafficking” then we will deal with any new challenges of that title change. It should be emphasized that the current law adequately addresses the problem of sex trafficking by the successful prosecution of pimps since 2011. Since then, eight (8) pimps have been sentenced to prison for terms ranging from one (1) year to 20 years with the help from prostitutes who were given immunity to testify.

We are in favor of the provision making it strict liability as to the age of the prostitutes when they are minors. However, it should be amended by moving the term “knowingly” from page 11, line 8 to line 9 before “Advances”. This is to remove dual state of mind in subsection (b).

Our opposition to the bill is in several areas:

1. The bill legalizes prostitution by minors. On page 8 of the bill, the definition of prostitution does not include conduct by any person under the age of 18. The Department is in strong opposition to legalizing prostitution for minors.

2. The bill has a contradictory provision that if a minor engages in sexual conduct for a fee, then it would be a violation. First of all, it cannot be a violation if it is not prohibited by law. Secondly, by making it a violation, minors would be targeted by pimps to earn money through prostitution conduct. Pimps would recruit minors by telling them they could make money and if caught, it is only a violation and not a criminal act. In the haste to attempt to protect minors, this provision exposes minors to more danger.

Under current law and practice, minors are already protected by the confidentiality of their juvenile records. Also, when minors are arrested for prostitution, they are taken to Family Court for treatment and programming and not for punishment.

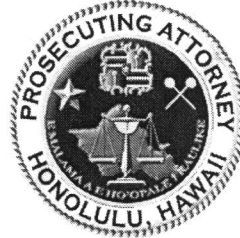
Though the bill includes favorable provisions, the inclusion of the unfavorable provisions will result in our **strong opposition** to H.B. 1902, H.D. 1.

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