



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

H.B. NO. 2138, RELATING TO PROTECTION OF CHILDREN.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, February 1, 2018 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Russell A. Suzuki, First Deputy Attorney General, or
Michelle M.L. Puu, Deputy Attorney General

Chair Nishimoto and Members of the Committee:

The Department of the Attorney General supports the intent of this bill while noting the following considerations:

Page 7, line 7, should include '(H)' to include the new proposed section on page 6, lines 15 to 20.

This bill proposes "strict liability" as to the minor's age (page 15, lines 13 to 15; page 15 to 16, lines 18 to 2; and page 16, lines 4-9). Such wording would be more appropriately placed in the Penal Liability portion of the Penal Code. [See section 702-207 or 702-12, Hawaii Revised Statutes (HRS)]. There are several areas of the Penal Code, Sexual Assault of a Minor for example [sections 707-730(b) & (c); 707-731(d), 707-732(b) & (c), 707-733(d), HRS] where the strict liability analysis applies. [See also: Continuous Sex Assault of a Minor, section 707-733.6, HRS; Promoting Child Abuse in the First Degree, section 707-750, HRS; Promoting Child Abuse in the Second Degree, section 707-751, HRS; Promoting Child Abuse in the Third Degree, section 707-752, HRS; Electronic Enticement of a Child in the First Degree, section 707-756, HRS; Electronic Enticement of a Child in the Second Degree, section 707-757, HRS; Indecent Electronic Display to a Child, section 707-759, HRS]. Inclusion of this wording in only the sex trafficking statutes may afford accused offenders the opportunity to contest whether strict liability applies to other offenses against minors. This strict liability standard comes from caselaw. See State v. Buch, 83 Hawai'i 308 (1996). The Hawaii

Supreme Court's analysis in Buch reviewed the legislative history on Sexual Offenses.
Any subsequent statutory change on this issue could negate that reasoning.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
JONATHAN GREMS
DEPUTY CHIEFS

OUR REFERENCE CT-TA

February 1, 2018

The Honorable Scott Y. Nishimoto, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room
Honolulu, Hawaii 96813

Dear Chair Nishimoto and Members:

SUBJECT: House Bill No. 2138, Relating to Protection of Children

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

The HPD supports House Bill No. 2138, Relating to Protection of Children. This bill is consistent with the HPD's mission and goals.

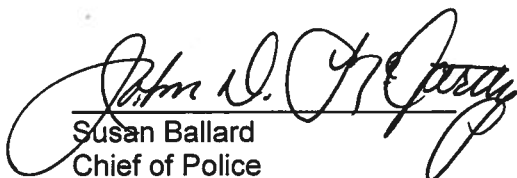
As some of the most vulnerable people in our society, children victims of sexual exploitation and trafficking should be afforded the most protection under the law. This bill would increase penalties for the offense of promoting travel for prostitution and related prostitution or child abuse type offenses, as well as the application of enhanced sentencing for related offenses. In addition it seeks to remove the period of limitations for reporting such offenses as many do not do so until a much later age.


In keeping with our conviction of sustaining and enriching communities, the HPD urges you to support the House Bill No. 2138, Relating to Protection of Children.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


Susan Ballard
Chief of Police


Calvin Tong, Major
Narcotics/Vice Division

HB-2138

Submitted on: 1/31/2018 11:26:22 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Councilmember Yuki Lei Sugimura	Maui County Council	Support	No

Comments:

TESTIMONY OF THE HAWAI`I POLICE DEPARTMENT

HOUSE BILL 2138

RELATING TO PROTECTION OF CHILDREN

BEFORE THE COMMITTEE ON JUDICIARY

DATE : Thursday, February 1, 2018

TIME : 2:00 P.M.

PLACE : Conference Room 325
State Capitol
415 South Beretania Street

PERSON TESTIFYING:

Police Chief Paul K. Ferreira
Hawai`i Police Department
County of Hawai`i

(Written Testimony Only)

Harry Kim
Mayor



Paul K. Ferreira
Police Chief

Kenneth Bugado Jr.
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

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January 31, 2018

Representative Scott Y. Nishimoto
Chairperson and Committee Members
Committee On Judiciary
415 South Beretania Street, Room 325
Honolulu, Hawai'i 96813

Re: **House Bill 2138 RELATING TO PROTECTION OF CHILDREN**

Dear Representative Nishimoto:

The Hawai'i Police Department strongly supports the passage of House Bill 2138, Relating to the Protection of Children. The purpose of this Act is to increase protections for child victims of sex trafficking, prostitution, and commercial exploitation.

The Hawai'i Police Department strongly believes the increased upward offense classifications and increased penalties being proposed are necessary to combat the continued exploitation of children being exploited in sex trafficking situations. We further believe the included onus on those who solicit minors for prostitution is a needed component to address this heinous and repugnant abuse of a minor.

For these reasons and as a matter of deterrence from such behavior, we urge this committee to approve this legislation. Thank you for allowing the Hawai'i Police Department to provide comments relating to House Bill 2138.

Sincerely,



PAUL K. FERREIRA
POLICE CHIEF

HB-2138

Submitted on: 1/30/2018 5:45:27 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Toni Symons- HAPI	Na Kahua Hale O Ulu Wini	Support	No

Comments:

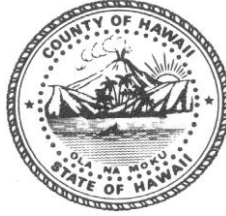
These added protections for our children our imperative. I have worked with victims in our community and have seen the devastation it has caused. We must treat them with care and provide much needed support for them and this legislation will create that.

Thank you for moving this bill forward.

Toni Symons

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 2138

A BILL FOR AN ACT RELATING TO RELATING TO
PROTECTION OF CHILDREN

COMMITTEE ON JUDICIARY
Rep. Scott Y. Nishimoto, Chair
Rep. Joy A. San Buenaventura, Vice Chair

Thursday, February 1, 2018, 2:00 P.M.
State Capitol, Conference Room 325

LATE

Honorable Chair Nishimoto, Vice-Chair San Buenaventura and Members of the Committee on Judiciary, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 2138.

This measure amends various provisions of the HRS to increase protections for child victims of sex trafficking, prostitution, and commercial exploitation by increasing penalties for offenders and habitual offenders.

Currently, solicitation of a minor for commercial sexual exploitation is a Class C felony. This bill includes solicitation of minors in the sex trafficking statute and increases the penalties to those who buy or attempt to buy children for sexual exploitation to Class A and B felonies. We wish to move forward with our protection of children by recognizing them as victims rather than criminals and holding buyers of child commercial sexual exploitation accountable for creating the demand. This bill imposes strict liability on persons responsible for commercial sexual exploitation of children with respect to the age of the minor and prohibits the defense that the minor victim willingly engaged in or appeared to have engaged in commercial sexual exploitation.

The bill clarifies the law pertaining to the crime victims compensation commission when considering the behavior of the crime victim to recognize the dynamics of child sexual exploitation; increases the penalties for promoting travel for prostitution and related offenses; includes convictions for sex trafficking or prostitution as grounds for terminating parental rights; increases the statute of limitations for child sexual exploitation crimes, promoting child abuse; includes in the term "victim of sex trafficking" all commercially sexually exploited persons, regardless of whether the trafficker is a readily identifiable person or being prosecuted separately; and authorizes the use of wiretapping for the crime of solicitation of a minor for prostitution.

The Office of the Prosecuting Attorney, County of Hawai'i supports the passage of House Bill No. 2138. Thank you for the opportunity to testify on this matter.

HB-2138

Submitted on: 1/30/2018 3:28:50 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Hawaiian Civic Club of Honolulu	Support	No

Comments:



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

TESTIMONY FOR HOUSE BILL 2138, RELATING TO PROTECTION OF CHILDREN

House Committee on Judiciary
Hon. Scott Nishimoto, Chair
Hon. Joy A. San Buenaventura, Vice Chair

Thursday, February 1, 2018, 2:00 PM
State Capitol, Conference Room 325

Honorable Chair Nishimoto and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 400 members. On behalf of our members, we offer this testimony in opposition to House Bill 2138, relating to protection of children.

IMUAlliance is one of the state's largest victim service providers for survivors of sex trafficking. Over the past 10 years, we have provided comprehensive direct intervention services to 130 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims in total. Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily trauma bonded to her pimp that while under his grasp, she couldn't remember her own name.

Sex trafficking is a profoundly violent crime. The average age of entry into commercial sexual exploitation is 13-years-old, with 60 percent of trafficked children being under the age of 16. Approximately 150 high-risk sex trafficking establishments operate in Hawai'i. An estimated 1,500-2,500 women and children are victimized by sex traffickers in our state annually. Over 120,000 advertisements for Hawai'i-based prostitution are posted online each year, a number that is rapidly increasing as technology continues to outpace the law. More than 80 percent of runaway youth report being approached for sexual exploitation while on the run, over 30 percent of whom are targeted within the first 48 hours of leaving home. With regard to mental health, sex trafficking victims are twice as likely to suffer from PTSD as a soldier in a war zone. Greater than 80 percent of victims report being repeatedly raped and 95 percent report being physically assaulted, numbers

that are underreported, according to the United States Department of State and numerous trauma specialists, because of the inability of many victims to recognize sexual violence. As one underage survivor told IMUAlliance prior to being rescued, “I can’t be raped. Only good girls can be raped. I’m a bad girl. If I *want* to be raped, I have to *earn* it.”

Unfortunately, this bill does not protect victims of sexual slavery. Instead, it may be catastrophic to Hawai’i’s efforts to end sexual slavery. Our primary concerns with this bill are as follows: primary concerns with HICAHT’s measure are as follows:

1. On p.4, lines 9-12, the phrase "perceived acquiescence to being trafficked" is confusing and unnecessary. Sex trafficking is crime defined under section HRS §712-1202, for which crime victim compensation already applies. This phrase seems to suggest that there are trafficking-related reasons *other* than "perceived acquiescence" for which the Crime Victim Compensation Commission *may* justifiably deny compensation. Moreover, trafficking is, by definition, not a crime of "acquiescence"—for adults, it involves force, fraud, or coercion; for minors, consent to prostitutive activity is immaterial in determining whether or not a child has been trafficked (only the fact that the child is under the age of eighteen needs to be established for trafficking to be legally prosecuted). The phrase "perceived acquiescence" seems to suggest that acquiescence can or should be given legal consideration in trafficking cases and delivery of victim services. We should, instead, simply state that crime victim compensation shall not be denied or reduced for victims of sex trafficking pursuant to HRS §712-1202, full stop.
2. On p. 13, lines 8-12, we are concerned about promoting child abuse in the first degree—the production of child pornography—(pursuant to section HRS §707-750), being given a mandatory sentence of life imprisonment without the possibility of parole, when such mandatory sentences aren't also included for sex trafficking in the bill—for *literal* sexual slavery of a child? This is not consonant with federal law. Are the bill’s authors claiming that producing child pornography is a greater offense than trafficking a child as a sex slave? We must be tough on child pornography, for sure, but debates across the country about the statutory equivalency of child pornography charges versus charges for sex trafficking—and other high-grade offenses, like murder—are complex and worthy of greater consideration than this bill allows, with many states refusing to make such legal leaps. If we're going to increase penalties, we should be smart about it. A similar concern applies to sections 8 and 9 of this bill, which amend Hawai'i's promoting child abuse in the second and third degrees to class A and B felonies, respectively.
3. In general, we agree with escalating penalties for individuals who solicit minors for prostitution, but we are deeply uncomfortable with the creation of legal distinctions between minors below the age of 14 and those between the ages of 14-17, especially given that the age of entrance in commercial sexual exploitation for most child victims is approximately 14-years-old and the median age of child victims is 15-years-old, according

to the Department of Justice. This bill appears to be mistakenly interpret provisions of 18 U.S.C § 1591 that clarify mandatory minimums for minors trafficked by force, fraud, or coercion above and below the age of 14, but do not apply this distinction more broadly or in the manner proposed by this measure. Furthermore, state law does not need to mirror federal law in this area. IMUAlliance regularly conducts direct intervention outreach in the locations at which victims are being trafficked. We see and have worked with lots of children, some as young as 11-years-old. Children who've been trafficked during their teenage years, however, make up the vast majority of the minors with whom we've worked, many of whom have been recruited on or near their high school campuses. We're in favor of increasing solicitation penalties across the board for those who solicit such victims, but believe we should do so by increasing the penalty for solicitation overall to a misdemeanor or class C felony under HRS §712-1200, adding solicitation of a minor to our state's definition of sex trafficking statute in §712-1202, and repealing 712-1209.1 outright to ensure that all solicitation of minors, including law enforcement posing as minors, is criminalized as sex trafficking under HRS §712-1202. Additionally, by the term "commercially exploited persons" (used in Section 10's definition of "victim of sex trafficking"), we assume the bill's authors mean the same thing as "sexually exploited individuals" pursuant to HRS §712-1210. If so, that would need to be cross-referenced and include all "erotic or nude massagers and exotic or nude dancers." If this is not intended as the definition, then Section 10's definition of "victim of sex trafficking" is confusing at best, given the prior and similar definition in HRS §712-1210. If the bill does employ the same meaning of "sexually exploited individuals" as in HRS §712-1210, it inadvertently omits persons who are exploited outside of massage parlors or strip clubs—in hostess bars, on the streets, or through backpage, for example. Why would we want to omit these individuals? If the bill's authors are trying to cover the entire universe of commercially sexually exploited persons, then, again, the definition of "victim of sex trafficking" should be clarified. That said, there are appropriate questions to ask about whether or not every stripper at Rock-Za should be viewed as a trafficking victim, which this bill seems to do, since the definition of "victim of sex trafficking" used in this section, when applied to adults, does not include any element of force, fraud, or coercion. We are also concerned that defining the term "victim of sex trafficking" as broadly as this measure does may cause confusion when it comes to delivering services for individuals who are victims of the actual crime of sex trafficking under HRS §712-1202 or 22 U.S. Code §7102. A 21-year-old stripper at Rock-Za who is solicited for a lap dance may not a victim of the crime of sex trafficking under either state or federal law and would not be eligible for services made available to such victims. Yet, Section 10 would legally define the stripper as a "victim of sex trafficking" under that very term, even if she is not legally established as a victim of the actual crime of sex trafficking under HRS §712-1202 or federal law.

4. Portions of Section 11, which begins on p. 15 and runs through p. 17, lines 1-6, are concerning for reasons similar to those listed above regarding the creation of unnecessary

age distinctions in state law. Currently, sex trafficking is a class A felony, full stop, including the trafficking of any person under the age of 18. **Thus, we should make solicitation of all minors a class A felony, regardless of the age of the minor, rather than institute an arbitrary distinction between soliciting a minor under the age of 14 for sexual services and a minor between the ages of 14-17, with the latter graded as a lesser crime.** We're additionally concerned about setting a precedent in the state's sex trafficking ban that could be used to argue for a further distinction for individuals who sell children for sexual servitude, including pimps, since both offenses would be covered in the same statute. Our suggestion above, coupled with the repeal of 712-1209.1, is both cleaner legally (it doesn't require differing grades of offense based on the minor's age) and a stronger criminal stance on predators who solicit children (since all minors would be treated the same). On a personal note, a couple of years ago, we worked with a 16-year-old victim who, when we met her, couldn't remember her own name. She was regularly beaten, kept on a leash, and fed dog food. We've met and worked with literally hundreds of child and can assure the committee that the trauma endured by a 16-year-old is just as severe and profound as that suffered by a 13-year-old. This week, we are working with another 16-year-old, who was once beaten by john who brought in his daughter's clothes for her to wear while they had sex. Surely, delivering justice to these young women, too, demands the toughest possible sentence, despite the fact that they're in their mid-teens.

5. Section 13, which begins on p. 17, line 14, and runs through the end of p. 18, could be more clearly written by, again, simply adding "or a law enforcement officer who represents that person's self as a minor" to the solicitation provisions of HRS §712-1202. In IMUAlliance's proposal based on Shared Hope's recommendations—which has been introduced as Senate Bill 2538. While the penalties established in HB 2138 between these two sections are (mostly) commensurate (there are no mandatory fines in HRS §712-1202 because class A felonies may carry their own associated fines), we would much rather have law enforcement be able to represent themselves as minors, arrest a person for soliciting an officer representing herself or himself as a minor, and have the perpetrator charged with sex trafficking, than have the person charged with the non-trafficking offense of "solicitation of a minor for prostitution." Also, the mandatory fines established in this section are well below the potential fines currently associated with class A and class B felonies pursuant to HRS §706-640.
6. Finally, this bill fails to address certain critical items in advancing a victim-centered approach to ending sex trafficking. **First and most importantly, this bill does not immunize minors from being charged with a violation for prostitution and, thus, from being charged with a violation for their own exploitation.** Currently, under HRS §712-1200, minors found to be engaging in prostitution can be charged with a violation, thus preventing them from being properly and immediately identified as victims of sex trafficking. Immunizing minors from being in any way penalized for their own exploitation is a central component of any victim-centered approach to sex trafficking. Second, the

definition of "advancing prostitution" pursuant to HRS §712-1201 currently includes persons who "permit premises to be regularly used for prostitution," which provides a barrier to the prosecution of traffickers who own and operate local brothels. IMUAlliance estimates that over 150 high-risk sex trafficking establishments are located on Hawai'i's shores, which are places where we have documented at least two incidents of prostitution activity within a single month, through police records or our direct intervention and outreach efforts. Eliminating the word "regular" from this definition would allow law enforcement to investigate and prosecute persons who operate brothels—massage parlors used as fronts for trafficking, for example—upon a single incident of prostitutive activity. Third, this measure does not alter HRS §712-1203, Hawai'i's promoting prostitution law, which is often used as a lesser offense for sex trafficking. We would like to see the state of mind for this offense downgraded to "recklessly" to incentivize additional prosecutions, particularly of the brothel operators we mentioned above. Fourth, this bill does not address HRS §712-1206 or HRS §712-1207, loitering for the purpose of engaging in or advancing prostitution and street solicitation of prostitution; designated zones, by, again, immunizing minors from being penalized for their own exploitation, instead leaving them subject to being charged for these crimes.

Slavery has no place in paradise. Mahalo for the opportunity to testify in opposition to this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance



HOUSE COMMITTEE ON JUDICIARY

TESTIMONY—HB 2138, Relating to Protection of Children

THURSDAY, FEBRUARY 1, 2018

Jeanné Kapela, UNITE Hawaii Executive Director

POSITION: STRONG OPPOSITION

Chair Nishimoto and committee members,

Hawai'i is home to over 150 high-risk sex trafficking establishments, with the average age a victim is first exploited being only 13-years-old. We are also a target for “cybertrafficking,” with over 110,000 ads for local prostitution posted online each year. Yet, the numbers fail to fully capture the human toll of the commercial sex trade, a tragedy we witness each day in the eyes of the survivors we serve.

UNITE is an educational nonprofit devoted to ending sex trafficking in Hawai'i. Through outreach and awareness in local schools, we provide students with the skills necessary to prevent exploitation by building healthy relationships and learning communities. Our program, “It Ends With Us,” explains how trafficking works in the 21st Century, preparing students to recognize threatening situations and respond to potential abuse. To date, we have provided anti-trafficking education to thousands of keiki in our state’s public school system. Working with UNITE’s strategic partner, IMUAlliance, we have also helped to emancipate sex trafficking victims from local brothels in the Ala Moana area. For both victims who self-identify at the schools we visit and those for whom we’ve provided direct intervention services, a lack of information about how to get help is a common concern.

We oppose this measure for two primary reasons: 1) it fails to fully immunize trafficked children from being charged with a violation of the law for their own exploitation,

for which they are *clearly* not responsible; and 2) it makes an absolutely astonishing legal distinction between children who are above the age of 14 and between the ages of 14-17, effectively making buying a high school teenager for sex a lesser offense, rather than simply imposing the harshest penalties possible on *all* predators who abuse children (the median age of child trafficking victims is 15-years-old, according to the Department of Justice). It's also worth noting that Hawai'i Coalition Against Human Trafficking—which sponsored this measure—did not consult with Honolulu advocates when crafting their proposal. Even Shared Hope International, upon whose recommendations this bill is supposedly based, has expressed to us deep concerns about the bill and the extent to which it does not reflect their position on what constitutes effectively anti-trafficking policy.

Thank you for the opportunity to testify in opposition of this bill.

HB-2138

Submitted on: 1/30/2018 3:17:56 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall		Support	Yes

Comments:

LATE

HB-2138

Submitted on: 1/31/2018 9:00:47 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Poulos		Support	No

Comments:

LATE

HB-2138

Submitted on: 2/1/2018 9:41:15 AM
Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Johnson-Steffey	Do Justice Coalition	Support	No

Comments:

I would like to submit support for the changes to the Hawaii Statutes as put forth in this proposed bill to increase penalties for Sex trafficking perpetrators and to improve protections for minors involved in sex acts. No one under 18 engaged in such acts should be prosecuted for prostitution! We need more than these proposed changes though. Support needs to be provided by the state to better protect our keiki and ensure that there are adequate therapeutic foster care placement homes for children who are involved in such acts to be safely cared for. I hope this is the first of many new proposals put forth by the state to address trafficking in the islands.

LATE

HB-2138

Submitted on: 2/1/2018 10:54:53 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Domestic Violence Survivor Advocate	Support	No

Comments:

LATE

HB-2138

Submitted on: 2/1/2018 11:25:47 AM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melody Stone		Support	No

Comments:

I am supporting HB 2138 and am a member and founder of Hawaii Island Coalition Against Human Trafficking. We urgently need to provide increased protections and provisions for all minors involved in human trafficking. This bill supports changes that will increase penalties for traffickers while also classifying victims appropriately and will provide appropriate representation, protection and legal services for minors. Please strengthen our protection for minors being trafficked by supporting this bill! Thank you!

Melody Stone

LATE

HB-2138

Submitted on: 2/1/2018 12:29:07 PM

Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen Roco	UNITE Hawaii	Oppose	No

Comments:

Aloha,

My name is Eileen, I am a full-time undergraduate Sophomore at UHM, and I'm 19 years old— **only a few years older than the average trafficking victim in Hawai'i.**

For a state considered 'paradise', sex trafficking has no place on our shores. We were already the last in the *nation* to have victim-centered laws in 2016, we continuously face local issues within the communities around brothels and strip clubs, and girls like myself are at risk of this industry *every single day.*

This bill does absolutely *nothing* to assuage any of these issues so close to my heart. I have worked as a volunteer with UNITE and IMUAlliance for a little over two years, and the presence of the industry here in the islands is shocking. However, no matter how much I fight, advocate, and dedicate my time to helping victims— **if our Hawai'i laws don't protect the victims, then how am I making an impact at all?**

Please consider these bases:

- 1. Trafficked children are in *no way* responsible for their exploitation.** They should never be held accountable for those actions, and rather should be offered the appropriate victim-centered resources for their aid and recovery. Condemning them does nothing but harm on the child, and only strengthens the industry even more.
- 2. Distinguishing the difference between children who are 14+ and 14-17 is inherently suspicious,** and it balantly trying to discern what exactly a constitutes a "trafficked child". *As if to insinuate, because a victim were in high school, there would be a lesser penalty for the exploiter.* This goes without saying to be a heinous distinction— as if trauma and abuse could be quantified, measured, and segregated into age groups. All exploiters should, and shall be, punished.
- 3. Any sort of law that redefines, makes exceptions to, or tries to change victim-centered laws rarely have good intentions behind them.** Please consider. Why the distinction between 14+, and 14-17? Why make children accountable for their exploitation, as if it were prostitution?

Does this law actually help the victims– the heart of this horrible issue in HI?

Please consider all of these standpoints, and oppose HB2138.

Eileen Roco

LATE

HB-2138

Submitted on: 2/1/2018 2:05:18 PM
Testimony for JUD on 2/1/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities	Support	No

Comments: