

**Testimony of the Office of the Public Defender,  
State of Hawaii to the Senate Committee on  
Judiciary**

March 14, 2019

H.B. No. 486 HD1                      RELATING TO PROSTITUTION

Chair Rhoads and Members of the Committee:

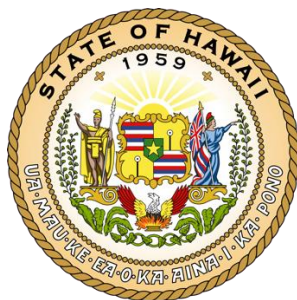
H.B. No. 486 HD1 makes several major changes to the sex trafficking and prostitution laws. We oppose passage of Section 1 which removes the statute of limitations for sex trafficking and promoting prostitution. Statutes of limitations have been established to allow for timely prosecution of criminal offenses. With the passage of time, a criminal charge becomes more difficult to defend against and wrongful convictions are more likely to occur. The memories of witnesses become more inaccurate, witnesses are more likely to become influenced by persons who have interests in the case, and relevant evidence is more difficult to obtain. Thus, under the law, criminal charges must be brought within certain time periods following their commission.

Sex trafficking (HRS § 712-1202) is a Class A felony for which there is currently a six-year statute of limitations. Promoting Prostitution is a Class B felony for which there is currently a three-year statute of limitations. These time periods are sufficient for timely and just prosecutions in these types of cases.

We also oppose the passage of Section 3, subsection (4)(a) on page 4 of the bill which would subject the customer of a prostitute upon conviction to a mandatory 30-day prison sentence. This sentence is excessive and fails to recognize that prostitution fulfills a human need for intimacy and should be classified as a vice rather than a serious criminal offense. If passed, the sentence for prostitution as a customer would exceed the prison sentences imposed for many felony offenders. Similarly, we would oppose the provision on page 5 of the bill that would mandate a 90-day prison sentence for any subsequent conviction of prostitution as a customer.

Finally, we oppose passage of section 4 of the bill on pages 7 and 8 which, under the sex trafficking law, establishes a strict liability Class A felony for someone who offers to pay a fee for sexual conduct to a minor or to a law enforcement officer posing as a minor. It would not be a defense that the minor represented himself or herself as an adult. It is not uncommon for minors, including those involved in the sex industry, to hold themselves out at an age older than they are. It would be draconian and unjust to punish someone with a 20-year prison term who possessed the state of mind to commit simple prostitution with someone who he/she legitimately believed to be an adult.

Thank you for the opportunity to provide testimony in this matter.



Testimony on behalf of the  
Hawai'i State Commission on the Status of Women  
**Khara Jabola-Carolus, Executive Director**

Ke Kōmike Ho'okolokolo

In Support of HB486 HD1 "SURVIVORS NOT CRIMINALS"

Thursday, March 14, 2019, at 9:30 a.m. in Room 016

Aloha e Luna Ho'omalu/Chair Rhoads a Hope Luna Ho'omalu/Vice Chair Wakai,

The Hawai'i State Commission on the Status of Women **supports** HB486 HD1 and offers friendly amendments. This measure is incredibly important because the commercial sex industry is a marketplace defined by deep structural inequalities. Vulnerabilities such as age, poverty, lack of housing, drug dependency, domestic violence, discrimination and trauma from sexual violence often pressure women, youth, and gender minorities into prostitution, whether trafficked or untrafficked. Against this backdrop, sex-buying behavior may be viewed as an abuse of power.<sup>1</sup>

The power differential inherent in prostitution is supported by the most comprehensive study of sex buyers undertaken in the United States to date, which found that the majority of sex buyers are middle and upper middle-class men while the majority of people receiving payment for sex are nubile women and girls of color living in poverty.<sup>2</sup> Buyer demand drives the market but law enforcement efforts in Hawai'i are currently geared toward targeting the vulnerable—arresting twice as many prostituting people, rather than the men purchasing them for sexual access:

HPD Arrests – Prostitution

*January - December 2017: 72 prostituting persons; 36 buyers*

*January - June 2018: 37 prostituting persons; 14 buyers*

While the arrest data is not disaggregated for sex or gender, the majority of the marketplace for commercial sex generally speaking is heteronormative, with cisgender male sex buyers and women and girls being bought and sold. From a gender justice and human rights perspective, this data should be genuinely troubling.

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<sup>1</sup> Martin, L., *Mapping Demand*, University of Minnesota, Jul. 2017.

<sup>2</sup> *Id.*

This measure would also greatly assist sex trafficking victims (as defined by state and federal law) in Hawai‘i who can be and are misidentified and criminalized by law enforcement. The current statute allows for sex trafficking to vacate these convictions with proven victimization at any time within six years, but this expectation is unrealistic. Sex trafficking victims face significant barriers to disclosing their victimization to legal authorities and in seeking support. Most trafficking victims are unable to disclose or prove they are trafficking victims due to fear of retaliation from a trafficker or buyer, physical harm inflicted by the trafficker, economic dependency upon the trafficker, family connections with their trafficker (children, parents), emotional manipulation, trafficker-controlled finances or legal documents, language barriers, fear of police, unawareness of their legal status as a “victim,” and stigma.

Recent Hawai‘i-specific data supports the contention that in the real world marketplace for sex, categories such as victim and “deviant/criminal” blur. Our 2019 report *Sex Trafficking in Hawai‘i Part II: The Stories of Survivors* was recently recognized by Dr. Jane Chung-Do, Chair of Social & Behavioral Health Sciences at the University of Hawai‘i as well as Governor David Ige in a formal proclamation ceremony on January 25, 2019.

- 80% of those initiated into the sex trade by a trafficker prostituted without a trafficker, i.e., engaged in “prostitution” at later points, sometimes for decades;
- The average amount of time in the sex trade in Hawai‘i for those first initiated by a trafficker was 13 years;
- The average number of attempts to successfully exit either sex trafficking or prostitution circumstances in Hawai‘i was 5.8 times;
- At least 1 of 15 sex trafficking survivors interviewed were arrested for prostitution;
- Survivors reported that a criminal record posed an additional barrier to successful exit;

Finally, the 2019 Trafficking Victims Protection Reauthorization Act encourages law enforcement to reverse the trend of criminalizing sex trafficking survivors. The Department of Justice must restore funding to help survivors vacate criminal records that remain. The state should make a similar effort.

### **Suggested Amendments**

HB486 HD1 was amended to include the full language from HB233. The Commission supports the intent of the HB233 to eliminate a statute of limitations for sex trafficking and promoting prostitution. In line with national recommendations from Shared Hope International, HB233 make various amendments to H.R.S. Section 712-1200, and extends the sex trafficking law to include commercially sexually exploited children who are not under the control of a third party. This brings our state law in closer alignment with federal law.

Minors involved in commercial sex acts were decriminalized in 2016. The new language from HB233 goes further to ensure that no child is charged at all under the prostitution statute. The Commission supports this intent but as a member of the State’s Commercial Sexual Exploitation of Children Steering Committee, a formal group comprised of heads of various federal state and local agencies affecting children, is also concerned about the absence of a services delivery system if Family Court loses jurisdiction over sex trafficked children. A number of the other changes to H.R.S. Section 712-1200 would be better addressed through separate sections, e.g., a new section that creates additional fee assessments.

Accordingly, the Commission asks that the Committee pass SB1039 without the language from HB233 and with the following friendly amendments to ensure that we preserve the ability for sex

trafficking victims to motion to vacate their conviction at any time, that we remove a time-limit to doing so, and shorten the 3-year precondition.

The Commission's preferred HB486 HD1 SD1 would read:

SECTION 1. Section 712-1200, Hawaii Revised Statutes, is amended by amending subsection (4) to read as follows:

"(4) A person convicted of committing the offense of prostitution as a petty misdemeanor shall be sentenced as follows:

- (a) For the first offense, when the court has not deferred further proceedings pursuant to chapter 853, a fine of not less than \$500 but not more than \$1,000 and the person may be sentenced to a term of imprisonment of not more than thirty days or probation; provided that in the event the convicted person defaults in payment of the fine, and the default was not contumacious, the court may sentence the person to perform services for the community as authorized by section 706-605(1).
- (b) For any subsequent offense, a fine of not less than \$500 but not more than \$1,000 and a term of imprisonment of thirty days or probation, without possibility of deferral of further proceedings pursuant to chapter 853 and without possibility of suspension of sentence.
- (c) For the purpose of this subsection, if the court has deferred further proceedings pursuant to chapter 853, and notwithstanding any provision of chapter 853 to the contrary, the defendant shall not be eligible to apply for expungement pursuant to section 831-3.2 until **[four] one year[s]** following discharge **for persons charged under subsection (1) (a) of this section, or four years following discharge for persons charged under subsection (1) (b) of this section.** A plea previously entered by a defendant under section 853-1 for a violation of this section shall be considered a prior offense. When the court has ordered a sentence of probation, the court may impose as a condition of probation that the defendant complete a course of prostitution intervention classes; provided that the court may only impose the condition for one term of probation."

SECTION 2. Section 712-1209.6, Hawaii Revised Statutes, is amended to read as follows:

**"§712-1209.6 Prostitution; motion to vacate conviction based on trafficking victimization.** (1) A person convicted of committing the offense of prostitution under section 712-1200, loitering for the purpose of engaging in or advancing prostitution under section 712-1206, street solicitation of prostitution in designated areas under section 712-1207, or convicted of a lesser offense when originally charged with a violation of section 712-1200, 712-1206, or 712-1207, may file a motion to vacate the conviction **at any time** if the

defendant's participation in the offense was the result of the person having been a victim of:

- (a) Sex trafficking under section 712-1202 or promoting prostitution under section 712-1203; or
  - (b) A severe form of trafficking in persons as defined in title 22 United States Code section 7102(9)(A).
- (2) A motion filed under this section shall:
- (a) Be in writing;
  - (b) Be signed and sworn to by the petitioner;

~~[(c) Be made within six years after the date that the person ceases to be a victim as described in subsection (1), subject to reasonable concerns for the safety of the defendant, family members of the defendant, or other victims of the trafficking that may be jeopardized by the bringing of a motion, or for other reasons consistent with the purpose of this section;]~~

~~[(d)]~~ (c) Describe all the grounds and evidence for vacation of a conviction which are available to the petitioner and of which the petitioner has or by the exercise of reasonable diligence should have knowledge, and provide copies of any official documents showing that the defendant is entitled to relief under this section; and

~~[(e)]~~ (d) Be subject to the review and written approval of the state agency or county prosecutor responsible for prosecuting the offense that is the subject of the motion to vacate conviction.

(3) The court shall hold a hearing on a motion filed under this section if the motion satisfies the requirements of subsection (2); provided that the court may dismiss a motion without a hearing if the court finds that the motion fails to assert grounds on which relief may be granted.

(4) If the court grants a motion filed under this section, the court shall vacate the conviction.

(5) A person making a motion to vacate pursuant to this section has the burden of proof by a preponderance of the evidence.

(6) This section shall not apply to a motion to vacate a conviction under this chapter for:

- (a) Sex trafficking under section 712-1202;
- (b) Promoting prostitution under section 712-1203; or
- (c) A person who pays, agrees to pay or offers a fee to another person to engage in sexual conduct."

**SECTION 3. Chapter 712, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:**

**"§712-1209.6 Prostitution; motion to vacate conviction. (1) A person convicted of committing the offense of prostitution under section 712-1200(1)(a), loitering for the purpose of engaging in or advancing prostitution under section 712-1206(2), street solicitation of prostitution in designated areas under section 712-1207(1)(a) or 712-1207(2)(a), or convicted of a lesser offense when originally charged with a violation of section 712-1200(1)(a), 712-1206(2), 712-1207(1)(a), or 712-1207(2)(a), may file a motion to vacate the**

conviction if the defendant is not subsequently convicted of any offense under section 712-1200(1)(a), 712-1206(2), 712-1207(1)(a), or 712-1207(2)(a), or convicted of a lesser offense when originally charged with a violation of section 712-1200(1)(a), 712-1206(2), 712-1207(1)(a), or 712-1207(2)(a) within the one year prior to the motion to vacate.

(2) The court shall hold a hearing on a motion filed under this section to review the defendant's record over the one year prior to the motion to vacate, and if the court finds that the defendant has not been convicted of any offense under section 712-1200(1)(a), 712-1206(2), 712-1207(1)(a), or 712-1207(2)(a), or convicted of a lesser offense when originally charged with a violation of section 712-1200(1)(a), 712-1206(2), 712-1207(1)(a), or 712-1207(2)(a) within the one year prior to the motion to vacate, the court shall vacate the conviction."

Mahalo nui,

Khara Jabola-Carolus

**Justin F. Kollar**  
Prosecuting Attorney

**Jennifer S. Winn**  
First Deputy



**Rebecca A. Vogt Like**  
Second Deputy

**Diana Gausepohl-White**  
Victim/Witness Program Director

**OFFICE OF THE PROSECUTING ATTORNEY**

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**THE HONORABLE KARL RHOADS, CHAIR  
SENATE COMMITTEE ON JUDICIARY  
The Thirtieth Legislature  
Regular Session of 2019  
State of Hawai'i**

March 12, 2019

**RE: H.B. 486 H.D. 1: RELATING TO PROSTITUTION.**

Chair Rhoads, Vice-Chair Wakai, and members of the Senate Committee on Judiciary, the Office of the Prosecuting Attorney of the County of Kaua'i is in strong support of H.B. 486 H.D. 1 – Relating to Prostitution. The purpose of this Bill is to permit persons convicted of certain prostitution offenses to file a motion to vacate the conviction if the defendant is not convicted of another offense under the penal code within three years of the prostitution offense. In support of this Bill we note the following:

- Sex trafficking victims can be and are misidentified by law enforcement;
- Trafficking victims face significant barriers to disclosing their victimization to legal authorities and in seeking support;
- Most trafficking victims are unable to disclose or prove there are trafficking victims due to fear of retaliation from a trafficker or buyer, physical harm inflicted by the trafficker, economic dependency upon the trafficker, family connections with their trafficker (children, parents), emotional manipulation, trafficker-controlled finances or legal documents, language barriers, fear of police, unawareness of their legal status as a “victim,” and stigma;
- Arrest and law enforcement is currently the state’s dominant point of contact with sex trafficking victims;
- According to HSCSW’s recent report:
  - 50% of Hawaii sex trafficking survivors were diagnosed with PTSD
  - 80% of those initiated into the sex trade by a trafficker prostituted without a trafficker, i.e., engaged in “prostitution.” at later points

- The average number of attempts to successfully exit the sex trade was 5.8
- At least 1 of 15 sex trafficking victims interviewed in *The Stories of Survivors* was arrested for prostitution;
- A criminal record poses an additional barrier to successful exit and transition into above-ground employment, and a life free of stigma;
- This measure would also help to bring about substantial cultural reform, as it would send a strong message that a person's participation in prostitution is often complex and should not bar access to resources, safety and compassion.

In conclusion, we respectfully ask that your Committee PASS this Bill.

Thank you for this opportunity to testify on this bill.



Harry Kim  
Mayor



Paul K. Ferreira  
Police Chief

Kenneth Bugado Jr.  
Deputy Police Chief

## County of Hawai'i

### POLICE DEPARTMENT

349 Kapi'olani Street • Hilo, Hawai'i 96720-3998  
(808) 935-3311 • Fax (808) 961-2389

March 12, 2019

Senator Karl Rhoads  
Chairperson and Committee Members  
Committee on Judiciary  
415 South Beretania Street, Room 211  
Honolulu, Hawai'i 96813

### RE: HOUSE BILL 486, HD1, RELATING TO PROSTITUTION

Dear Senator Rhoads:

The Hawai'i Police Department **opposes House Bill 486, HD1**, as written, with its purpose amongst other things to remove the criminal statute of limitations for sex trafficking and promoting prostitution. Also, exempts minors from criminal liability for prostitution.

Although we are in agreement with and in support of removing the criminal statute of limitations for sex trafficking and promoting prostitution, we are greatly concerned regarding the following passage:

#### **SECTION 3. Section 712-1200, Hawaii Revised Statutes, is amended as follows:**

##### **1. By amending subsection (1) to read:**

**“(1) A person commits the offense of prostitution if the person:**

**(a) Engages in, or agrees or offers to engage in, sexual conduct with another person in return for a fee; provided that this paragraph shall not apply if the person committing the offense is a minor;**

We believe this passage may actually be an enticement for minors to engage in acts of prostitution, absent a criminal penalty. Furthermore, this passage may indeed cause more sex traffickers to seek minors as prostitutes in that minors caught in Police “Sting” prostitution cases will have no reason to reveal the name(s) of their sex trafficker as there will be no penalty to be faced by the accused minor for failing to disclose the name or to the minor for the attempted prostitution act. In effect, a law enforcement tool is being removed.

It is for this reason, we urge this committee to **not support** this legislation as currently drafted.

Thank you for allowing the Hawai'i Police Department to provide comments relating to Senate Bill 486.

Sincerely,

PAUL K. FERREIRA  
POLICE CHIEF

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

March 14, 2019

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 016  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 486, H.D. 1, Relating to Prostitution

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

The HPD opposes House Bill No. 486, H.D. 1, Relating to Prostitution.

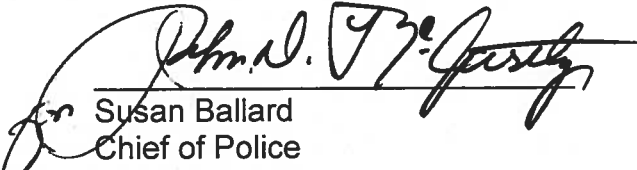
We support the intent of this bill, which provides victims of sex trafficking an alternative means of having prior prostitution convictions vacated to facilitate their recovery and rehabilitation. However, eliminating minors from criminal liability for prostitution is problematic for law enforcement. First, it eliminates enforcement efforts for underage purchasers ("Johns") of prostitution. Second, it limits our abilities to remove a minor engaging in prostitution from the street or environment.

The HPD urges you to oppose House Bill No. 486, H.D. 1, Relating to Prostitution.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
Susan Ballard  
Chief of Police

  
Calvin Tong, Major  
Narcotics/Vice Division

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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ACTING FIRST DEPUTY  
PROSECUTING ATTORNEY

**THE HONORABLE KARL RHOADS, CHAIR**  
**SENATE COMMITTEE ON JUDICIARY**  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawai`i

**LATE**

March 14, 2019

**RE: H.B. 486, H.D. 1; RELATING TO PROSTITUTION.**

Chair Rhoads, Vice Chair Wakai, members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to H.B. 486, H.D. 1, particularly Sections 3, 8 and 15.

The current language of this bill encompasses many different amendments relating to prostitution. Of gravest concern to the Department, this bill would: (1) legalize prostitution for minors (page 3, lines 18-19); (2) allow anyone with a prior conviction for prostitution to have that conviction “vacated,” regardless of whether that person was a victim of sex trafficking or not, if he or she remained conviction-free for three years (pages 10-13); and (3) repeal the offense of street solicitation of prostitution (in Waikiki and other county-designated areas) (pages 27-31). In addition, the bill would increase penalties for “johns”; shorten the waiting period for expunging prostitution charges; move solicitation of a minor to become a new subsection of sex trafficking (making the state of mind regarding the minor’s age a strict liability standard); lower the state of mind for promoting prostitution to reckless; and increase the penalty for promoting travel for prostitution to a B felony if the prostituted person is a minor.

Section 3 (pages 3-6)

As written, Section 3 of this bill would legalize prostitution by minors. On page 3, lines 18-19, the definition of prostitution specifically excludes any minor (under age 18) who “engages in, or agrees or offers to engage in, sexual conduct with another person in return for a fee.” The Department opposes legalizing prostitution for minors, and asks that these amendments be deleted from the bill.

We do recognize that the language of HRS §712-1200(6)—not listed in the bill—purportedly authorizes police officers to detain minors for violating HRS §712-1200(1)(a), and purportedly authorizes Family Court to exercise jurisdiction over those minors as law violators, yet such authority would be tenuous if not virtually impossible if the offense of prostitution “shall not apply” to minors. If the minor has not violated any law or ordinance, then there is arguably no grounds to hold them. Not only would this preclude law enforcement or the courts from stepping in to order counseling, treatment, or other

services for these minors, but it would also make minors an easier target for pimps, who could then recruit minors by emphasizing that “it’s not even illegal.”

In addition, we are very concerned that excluding minors from the offense of prostitution may have other unintended consequences, such as precluding them from being victims of Promoting Prostitution under HRS §712-1203. In relevant part, that statute states:

A person commits the offense of promoting prostitution if the person knowingly advances or profits from prostitution.

Where the only “definition” of prostitution found in our statutes is the offense found under HRS §712-1200, that would likely be the court’s primary source of reference. And if that language “shall not apply” to minors, then minors could arguably never commit prostitution, and thus, the language of HRS §712-1203 would not apply to minors. The analysis becomes more complicated for HRS §712-1202, Sex Trafficking, which expressly includes “prostitution of a minor,” but that statute would also be a concern. Whatever the outcome on appeal, the Department strongly believes that, despite any good intentions to protect minors, this amendment in Section 3 would actually expose minors to more danger.

Regarding the heightened penalty for soliciting someone who is a victim of sex trafficking (page 6, lines 3-6), we appreciate the intent, but it is still unclear how this would work, timing-wise, as the prostituted person would have to have been factually determined to be a victim of sex trafficking—ostensibly after someone else is convicted of sex trafficking that victim—before the person who solicited them could be charged with this offense. Felony prosecution generally takes much longer to proceed to trial or conviction than petty misdemeanor and misdemeanor offenses, so any “john” cases would likely reach final disposition long before any related “pimp” case.

#### Section 8 (pages 10-13)

It is the Department’s understanding that HRS §712-1209.6 was enacted to provide victims of sex trafficking an alternative means of having any prior prostitution convictions (judgments) vacated. While the Department would prefer that different mechanisms be used, we do agree with the ultimate goal, and hope victims use this mechanism to further their recovery and rehabilitation.

Nevertheless, the Department cannot support a proposal to remove the requirement that such person be a victim of sex trafficking; the amendments proposed in Section 8 of this bill would essentially allow anyone with a prior conviction for prostitution, to have their judgment vacated after remaining conviction-free for 3 years. Not only would this be unfair to countless other types of convicted offenders, who go three years or even longer without any further convictions on their record, but it would also discount any distinction between victims of sex trafficking and “actual” prostitution offenders. We believe the current requirements are appropriate, and respectfully ask the Committee to delete this section of the bill.

#### Section 15 (pages 27-31)

The Department is opposed to the proposed repeal of HRS §712-1207, Street solicitation of prostitution; designated areas. This statute serves as a heightened deterrent to street solicitation in Waikiki and other designated areas where prostitution has historically been prominent, and provides law enforcement and courts with an important tool to curb prostitution in these problematic areas. Given the economic, cultural and social significance of Waikiki to our county and indeed to our entire state, the Department believes that HRS §712-1207 should remain in place.

For all of the foregoing reasons, the Department of the Prosecuting Attorney, City and County of Honolulu, opposes Sections 3, 8 and 15 of H.B. 486, H.D. 1. Thank you for this opportunity to testify.

# TESTIMONY ON BEHALF OF HARM REDUCTION HAWAII

c/o 1658 Liholiho St #205

Honolulu, HI 96822

March 12, 2019

RE: HB486 HD1 to be heard Thursday. March 14, in Room 016, at 9:30 AM

## **OPPOSITION**

To the members of the Senate Committee on Judiciary

Dear Senators:

We stand in strong opposition to the amended version of HB486. We had supported the original version and the Senate companion version SB1039. Your committee passed SB1039 in its original version. You should stand by that and not consider the horrible amendments made by the house that incorporate some very bad ideas from HB233. They have created a Frankenstein bill with the good things in the original now mixed in with lots of bad stuff.

HB233 was an angry bill supposedly aimed at helping minors in the sex trades, but effectively pushing all sorts of increased penalties for people who are at most petty offenders, and in many people's points of view, should not be offenders at all. It is pandering to the worst anti-prostitution moralists who seem to be constantly at the Capitol and given far more credibility than they deserve. Those of us in public health and social services support fact based and solution oriented approaches in dealing with problems related to the sex trades. We oppose the endless stream of criminal laws that do no good to anyone and harm all sorts of folks who should be left alone. We can reduce all sorts of harms if reason replaces hate mongering.

YOU NEED TO START PAYING ATTENTION TO THOSE OF US WITH DECADES OF REAL EXPERIENCE AND STOP SIMPLY TAKING EVERY BAD IDEA PRESENTED BY ANTI-PROSTITUTION MORAL CRUSADERS INTO CONSIDERATION.

My comments listing problems with HB486 HD1 are below.

SECTION 1 is unacceptable. Our promoting prostitution statute is as follows.

**§712-1203 Promoting prostitution.** (1) A person commits the offense of promoting prostitution in the second degree if the person knowingly advances or profits from prostitution.

(2) Promoting prostitution in the second degree is a class B felony.

There are no minors involved and no coercion of any kind. The current crime as described in section (1) is the same as the old promoting in the third degree (712-1204) which was a misdemeanor. No rational basis has ever been presented as to why this crime should be a felony, let alone have it now be in the same class as murder in exclusion from the statute of limitations. Very little discussion has been had as to even including sex trafficking in this extreme category.

SECTION 4 is unacceptable. This trend to talk about children being prostituted and include anyone under age 18 in the same category as someone age 8 needs to stop. In practice what this bill means is that a 20 year old Schofield soldier who picks up a girl and pays her for sex without verifying her age may be sent to prison for twenty years as a "sex trafficker" if the girl in question is 17 years 11 months and 29 days old. It is ludicrous, but very much in line with the man hating attitudes of the sorts of people who seem to have the ear of the legislature.

SECTION 6 is unacceptable. We have definitions for statutory rape with an age of consent of 16, and criminal penalties only applying to a person five years or more, older than the "victim". Even these rules were contentious when the age was raised from fourteen over a decade ago. The Office of Prosecuting Attorney opposed raising the age, as did many others. Moral outrage is replacing common sense and practical approaches. I don't believe there is any evidence of anyone booking these travel packages. So this whole thing is little more than grandstanding.

SECTION 8 is the original HB486. It was the only bill heard on prostitution related matters this year that was not subject to a fight between those of us in public health and the anti-prostitution advocate who the legislature seems to unfortunately see as credible. It could still pass in its original version passed by the senate in SB1039. Even that bill is flawed as it arbitrarily excludes buyers of sex from the provisions. However, it would allow the legislature to pass something that is agreed upon and not come out of the session having done nothing, or face more angry opposition in furthering the bad ideas in the house HD. Please note that HPD shows no arrests under our sex trafficking law for most of the last two years, but almost a dozen for promoting prostitution. Numerous raids on massage parlors have turned up zero evidence of trafficking. These raids have led to differed acceptance of guilty pleas or dropped charges. The legislatures desire to wrap up promoting prostitution with sex trafficking is clearly not shared by law enforcement. The problems with sex trafficking have to do with 1. Vulnerability of victims and 2. Lack of evidence.

Aloha



Tracy Ryan  
For Harm Reduction Hawaii



## HB 486, HD 1, RELATING TO PROSTITUTION

MARCH 14, 2019 · SENATE JUDICIARY COMMITTEE  
· CHAIR SEN. KARL RHOADS

**POSITION:** Support.

**RATIONALE:** IMUAlliance supports HB 486, HD 1, relating to prostitution, which removes the criminal statute of limitations for sex trafficking and promoting prostitution; exempts minors from criminal liability for prostitution; permits persons convicted of certain prostitution offenses to file a motion to vacate the conviction if the defendant is not convicted of another offense under the Penal Code within three years of the prostitution offense; establishes minimum criminal and regulatory penalties for prostitution, sex trafficking, and promoting travel for prostitution; incorporates the offense of solicitation of a minor for prostitution into the offense of sex trafficking, which is a class A felony; reduces the state of mind requirement for the offense of promoting prostitution; and repeals the offense of street solicitation of prostitution.

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 135 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. Yet, sadly, many of the victims with whom we work are misidentified as so-called "voluntary prostitutes" and are subsequently arrested and incarcerated, with no financial resources from which to pay for their release.

Sex trafficking is a profoundly violent crime. The average age of entry into commercial sexual exploitation in Hawai'i may be as low as 14-years-old, with 60 percent of trafficked children being under the age of 16. Based on regular outreach and monitoring, we estimate that approximately 150 high-risk sex trafficking establishments operate in Hawai'i. In a recent report conducted by the State Commission on the Status of Women, researchers from Arizona State University found that 1 in every 11 adult males living in our state buys sex online. When visitors are also counted, that number worsens to 1 in every 7 men walking the streets of our island home and a daily online sex buyer market of 18,614 for O'ahu and a total sex buyer population for the island of 74,362, including both tourists and residents.

ASU's findings are grim, but not surprising to local organizations that provide services to survivors of sex trafficking. IMUAlliance, for example, has trained volunteers to perform outreach to victims in high-risk locations, like strip clubs, massage parlors, and hostess bars. 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."

Accordingly, we support efforts to increase penalties for those who perpetrate sexual slavery on our shores, especially sex buyers, whose money finances the local sex trade. This measure was drafted and sponsored by IMUAlliance and the Hawai'i Island Coalition Against Human Trafficking in response to recommendations put forward by Shared Hope International, a national leader in anti-trafficking advocacy that issues an annual "report card" evaluating gaps in state anti-trafficking policy.



This measure enhances our state’s anti-trafficking protocols in a number of important ways. To begin, this proposal eliminates the statute of limitations for sex trafficking, so that investigations and prosecutions of those who force others into sexual servitude or buy sex from such victims may be commenced at any time, which will allow highly traumatized survivors time to heal without sacrificing their ability to seek justice. Additionally, this bill immunizes minors from prostitution offenses that involve selling sex, a loophole that remains unclosed in our state’s anti-trafficking laws, even after the establishment of sex trafficking as a crime in 2016. While advancing or profiting from the prostitution of a minor is currently considered a form of sex trafficking under HRS §712-1202, **minors found to be acting as prostitutes are not automatically designated as sex trafficking victims or granted immunity from prosecution under our state’s prostitution code.** To be clear, there is no such thing as a child prostitute. Children should not be viewed as having the ability to consent to selling themselves for sex and are almost always doing so against their will. **Notably, 25 states and Washington D.C. have enacted noncriminalization statutes that immunize minors from prosecution for prostitution offenses, leaving Hawai’i in the minority of territories in the U.S. that fail to protect children in this manner.** Trafficking advocates have long considered noncriminalization to be a best practice legally and an imperative step in the creation of a coordinated continuum of care that prioritizes victims’ medical, psychological, and basic life needs.

Furthermore, this measure increases penalties for sex buyers, which, from the authors’ perspective, forms the heart and crux of the proposal. Under this measure, individuals who solicit sex would be guilty of a misdemeanor, subject to a fine of not less than \$1,000 and term of imprisonment of not less than 30 days for the first offense, with the term of imprisonment increasing to 90 days for a subsequent offense. For those who solicit sex in reckless disregard of the fact the person being solicited for sex is a sex trafficking victim—such as those who purchase sex from persons who appear to have been recently assaulted—the penalty would be increased to a class C felony. **This bill also makes soliciting a minor for prostitution a form of sex trafficking under HRS §712-1202, effectively making johns who finance the commercial sexual exploitation of children guilty of sex trafficking. This, alone, would be a tremendous step forward in our state’s anti-trafficking code,** which currently criminalizes people who buy sex from children under HRS §712-1209.1, solicitation of a minor for prostitution.

Disaggregating victims of child solicitation via HRS §712-1209.1 fails to properly identify them as victims of sex trafficking, who've been subjected to significant sexual trauma. It also fails to hold sex buyers fully accountable for this trauma under the harsher penalties encapsulated in our state's sex trafficking section under HRS §712-1202. Importantly, federal law has long recognized soliciting a child for prostitution as a form of sex trafficking under the federal Trafficking Victims Protection Act, which defines child sex trafficking as the "recruitment, harboring, transportation, provision, obtaining, patronizing, **or soliciting** of a minor for the purpose of a commercial sex act." Thus, as previously indicated, this measure incorporates soliciting sex from a minor into our state's sex trafficking statute under HRS §712-1202 and repeals HRS §712-1209.1. We note, moreover, that many of the important elements of HRS §712-1209.1 would be moved into HRS §712-1202, including language allowing law enforcement to perform undercover sting operations, ensuring that the state of mind requirement for trafficking a minor does not apply to the minor's age (making sex trafficking of minors a strict liability offense), and eliminating consent to sexual conduct as a defense to sex trafficking (a defense we are sadly seeing used with increasing frequency throughout the United States).

Finally, we support measures to advance our state's ability to crack down on sexual slavery, including by allowing likely victims of sex trafficking to vacate their convictions, such as that which is contained in Section 8 of this measure. At issue in this measure is who constitutes a "victim" of exploitation. When HRS §712-1209.6 was enacted in 2012, the legislature found that this statute would assist in combating human trafficking by permitting trafficking victims who were forced into prostitution to file a motion to have their prostitution convictions vacated from their records, given that criminal records are an impediment to the successful obtainment of non-exploitative employment, housing, educational scholarships, and more. IMUAlliance has always argued, though, that prostitution is inherently exploitative. While the complex psychological effects of trafficking, like trauma bonding, often prevent victims from recognizing the abuse they suffer, when given appropriate care, each of the hundreds of victims with whom we have worked has attested to enduring repeated physical and sexual assault during their time in the commercial sex trade.

Voluntary prostitutes, while real, are, in our experience, extremely rare in the commercial sex trade. The threat of arrest, detainment, and conviction remains a barrier to the successful

completion of sex trafficking cases, since victims are often told by their pimps that police will arrest them, rather than help them find a better life. Because victims are, as stated previously, often trauma bonded to pimps and traffickers, they are frequently unable to articulate to first responders that they are in need of assistance (in effect, they come to see being exploited as a normal way of life and, in many cases, a form of love). Because of this inability to communicate the trauma to which they are exposed, trafficking victims are often misidentified as voluntary prostitutes and arrested, despite being blameless in their own suffering. Passing this measure would be a step toward ensuring that such victims are viewed as survivors, not criminals, and given justice, not jail cells. In the future, we urge you to explore decriminalizing the act of selling one's body for sexual purposes and concurrently increasing penalties for sex buyers, thereby completely protecting victims of sexual slavery from being held responsible for the violence done to them.

BILL NO: House Bill 486  
TITLE: Relating to Prostitution  
COMMITTEE: Senate Judiciary  
DATE: March 14, 2019  
POSITION: SUPPORT

Dear Chairperson Rhoads, Vice-Chairperson Wakai, and Committee members:

Shared Hope International is a national non-profit organization dedicated to combating the commercial sexual exploitation of children in the United States. We have proudly worked with advocates and service providers over the last five years to support efforts to strengthen state laws addressing child sex trafficking. Since 2011, when we first commenced the Protected Innocence Challenge project and outlined the minimum legal components for addressing child sex trafficking, we have called on states to adopt a comprehensive, survivor-centered approach. House Bill 486 seeks to address several of the 41 components that comprise our legal framework.

Importantly, HB 486 increases protections for survivors and accountability for offenders in five critical ways:

- Prevents minors engaged in commercial sex from being prosecuted for prostitution offenses under § 712-1200;
- Ensures that buyers or attempted buyers of sex with children face culpability under the “Sex trafficking” law and are prohibited from raising a decoy, consent, or mistake-of-age defense;
- Increases penalties for buyers under the prostitution statute;
- Adds the crimes of “Sex trafficking” and “Promoting prostitution” to the list of offenses that do not have a criminal statute of limitations; and
- Increases the penalty for offenders under the “Promoting travel for prostitution” offense if the crime victim is a minor.

HB 486 is part of an imperative and national shift in the way that society and law views trafficked youth and those who exploit them. Historically, states, including Hawaii, have allowed sex trafficking victims to face criminal culpability for their own victimization while buyers have been regarded as non-serious offenders; HB 486 seeks to remedy this grave injustice. Criminalizing youth survivors presents real and significant barriers to ensuring the provision of services and opportunities that steer a minor’s path towards safety, support, health, and stabilization. Additionally, failing to hold buyers of sex with children accountable as offenders of sex trafficking fails to recognize the critical role they play in creating a demand for commercially sexually exploited youth; similarly, it undermines the devastating harm that their actions cause to such youth.

Enacting non-criminalization laws in tandem with a strong anti-demand provision, as this bill seeks to do, recognizes that children *never* engage in commercial sex by choice; rather, a child does so out of coercion, force, fraud, fear, or survival. Treating the child as a consensual actor not only misplaces criminality, it sends the child the message that they are responsible for their own victimization. Oftentimes, children entangled in a life that includes commercial sex carry with them years of trauma, generational vulnerabilities, and abuse. Other times, such children have trusted the wrong adult, been fed a false promise, or have fallen for an exploiter who later sold the child to someone all too willing to pay for the chance to rape him or her. Children with unsafe or

unstable home environments may find the streets safer and, resultantly, sell their bodies in exchange for something to eat or someplace to sleep. These are not choices; children living in such circumstances deserve, at a minimum, specialized services and long-term care, not detention, punishment, or juvenile records that carrying crippling consequences far beyond their childhood years.

To the contrary, buyers of sex with children *are* choosing to pay or offer to pay for the opportunity to engage in sexual activity with a child. Without such offer or actual exchange of payment, other parts of the criminal code deem such conduct as “sexual assault.” Yet, payment does not make this consensual sex and money does not sanitize rape. Buyers of sex with children are offenders of sex trafficking and should be treated as such under law.

We are grateful for the Committee’s dedication to this issue and respectfully request your support on HB 486.

Sarah Bendtsen, J.D.  
Policy Counsel  
Shared Hope International



*1431 Ehupua St. Honolulu, HI 96821 · (808) 854-1148*

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**SENATE COMMITTEE ON JUDICIARY**

**TESTIMONY—HB 486, HD 1, Relating to Prostitution**

**THURSDAY, MARCH 14, 2019**

**Jeanné Kapela, UNITE Hawaii Executive Director**

**POSITION: SUPPORT**

Chair Rhoads 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, even after the passage of the federal FOSTA law to curb online prostitution activity. Yet, these 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 organization devoted to ending sex trafficking. 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 schools. 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 schools we visit and those for whom we’ve provided direct intervention services, sexual abuse is often noted as a precursor to sex trafficking.

Sex trafficking is the compulsion of a person into prostitution by force, fraud, or coercion. Traffickers often use intermediate and high school students to build their fortunes, preying upon teenage insecurities, sexual impulses, socioeconomic impoverishment, and, more recently, social media access to recruit, groom, and “break in” our youth for the sex trade. Victims of sex trafficking are highly traumatized to the point that they lose their sense of identity, sometimes becoming so dehumanized that they can no longer understand the concept of rape. Moreover, modern technology has made it easier to reach and threaten victims, as information is readily available on the internet. Online technology can also be weaponized to humiliate individuals through the rapid distribution of nonconsensual pornography.

UNITE employs a standards-based anti-trafficking curriculum that includes a post assessment and service learning component. **At each school we visit, students have identified themselves or their peers as in danger or in the midst of being trafficked.** Our endangered keiki deserve complete access to justice and restorative services. Accordingly, we fully support the measure, **especially in its effort to immunize children from prosecution for prostitution, a “noncriminalization” step that has already been taken by 25 other states and Washington D.C.** We are also **strongly supportive of this proposal’s action to make buying sex from children a form of sex trafficking,** since sex buyers provide the financial motivation that allows sexual exploitation to prosper and proliferate on our shores.

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

**LATE**

**HB-486-HD-1**

Submitted on: 3/13/2019 9:16:42 PM

Testimony for JDC on 3/14/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ann S Freed	Testifying for Hawaii Women's Coalition	Support	No

Comments:



Aloha Chair Rhoads, Vice Chair Wakai and members,

Those who work in the sex trade often want to get out. But - if they have ever been arrested for prostitution, that information becomes readily available to prospective employers, making too many women, who are often victims of violence, unemployable in any other profession.

The Women's Coalition takes no sides in the controversy as to whether or not adult sex work entirely coerced or entirely voluntary. What we want is for women who want a way out to have a way out.

This bill would accomplish that. Please Pass.

Mahalo, Ann S. Feed, Co-Chair, Hawaii Women's Coalition





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Date: March 14, 2019

To: The Honorable Karl Rhoads, Chair  
The Honorable Glenn Wakai, Vice Chair  
Senate Committee on Judiciary

From: Justin Murakami, Manager, Prevention Education and Public Policy  
The Sex Abuse Treatment Center  
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony Providing Comments on H.B. 486 H.D. 1  
Relating to Prostitution

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Good morning Chair Rhoads, Vice Chair Wakai, and members of the Senate Committee on Judiciary:

The Sex Abuse Treatment Center (SATC) respectfully submits the following comments on H.B. 486 H.D. 1 for the Committee's consideration.

Sex Trafficking—the commercial sexual exploitation of a minor or the coercive commercial sexual exploitation of anyone—is a form of modern-day slavery and an extreme form of sexual violence, with significant, long-lasting medical, psychological, and social consequences for victims.

Breaking away can be complicated by a host of issues. A trafficking victim may fear retaliation from their trafficker, be subjected to legal, financial, emotional, or physical coercion and manipulation, distrust police and other authorities, face language barriers, or feel unable to cope with the stigma that society still unfairly attaches to trafficking victims.

A criminal arrest or conviction record for prostitution can pose an additional and sometimes insurmountable barrier to a victim's successful exit and transition out of commercial sexual exploitation, as it can make it very difficult for them to find and keep other employment and re-integrate into society.

Hawaii's current rules concerning the expungement of arrest records for prostitution, and for vacating prostitution convictions, are not consistent with these realities of trying to end the cycle of coercive commercial sexual exploitation.

Consequently, SATC supports the original intent of H.B. 486 to make it easier for victims of sex trafficking to remove arrest and conviction information from their criminal records, and asks that the Committee please adopt the recommendations of the Hawaii State Commission on the Status of Women.

**HB-486-HD-1**

Submitted on: 3/12/2019 10:02:24 AM

Testimony for JDC on 3/14/2019 9:30:00 AM

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

Comments:

**HB-486-HD-1**

Submitted on: 3/12/2019 11:21:41 AM

Testimony for JDC on 3/14/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nandita Sharma	Individual	Oppose	No

Comments:

I strongly oppose this Bill on the grounds that it severely increases the offense of "promoting prostitution" to a felony without any statute of limitations (akin to murder!). It is not clear why "sex trafficking" - which too many people conflate and confuse with any and all prostitution - ought to be included.

The only good thing about this bill is Section 8, which is the original HB 486. This section has broad support, well beyond the a small number of people based in the undemocratic Hawaii State Commission on the Status of Women.

It should pass in its original version passed by the senate in SB1039 with an amendment to include buyers of sex from the provisions.

Sincerely,  
Nandita Sharma,  
Associate Professor of Sociology, University of Hawaii at Manoa

**HB-486-HD-1**

Submitted on: 3/12/2019 6:56:05 PM

Testimony for JDC on 3/14/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kelsi Yonting	Individual	Support	No

Comments:

I actively support HB486 RELATING TO PROSTITUTION.

This bills closes a loophole left in our legislation to protect all minors against criminalization. Allowing certain persons to file a motion to vacate prostitution charges reduces a sizeable barrier to societal reintegration. Eliminating the statute of limitations is important as many victims do not come forward until much later; however, the crimes against them still deserve to be prosecuted.

I strongly urge you to pass HB 486. Thank you for your time and consideration to testify on HB 486.

**HB-486-HD-1**

Submitted on: 3/12/2019 7:32:58 PM

Testimony for JDC on 3/14/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Giavana Behnamian	Individual	Support	No

Comments:

I strongly support this legislation and urge Representatives to support it as well. I believe that not allowing minors to be criminalized for prostitution and removing the statute of limitations on the sex trafficking-related charges described in the bill will help protect Hawaii's keiki from the dangers of sex trafficking.

Mahalo,

Giavana Behnamian

**HB-486-HD-1**

Submitted on: 3/12/2019 9:05:24 PM

Testimony for JDC on 3/14/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Brandon W Duran	Individual	Support	No

Comments:

I strongly support HB 486 relating to prostitution.

Thank you for receiving this testimony and for your thoughtful and compassionate consideration of HB486.

As a Christian, I am compelled by the scriptures many references and commands to care for the most vulnerable and the disenfranchised in our community. The scriptures call upon us to see those in need as our neighbor. Those caught in the evils of human trafficking are in need of attention and care.

HB486 closes a loophole left in our legislation to protect all minors against criminalization. Allowing certain persons to file a motion to vacate prostitution charges reduces a sizeable barrier to societal reintegration. Eliminating the statute of limitations is important as many victims do not come forward until much later; however, the crimes against them still deserve to be prosecuted.

I strongly urge you to pass HB 486. Thank you for your leadership and your example.

**HB-486-HD-1**

Submitted on: 3/12/2019 10:10:00 PM

Testimony for JDC on 3/14/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
WINTON SCHONEMAN	Individual	Support	No

Comments:

Aloha,

I strongly support the passage of HB486 to protect children from criminal prosecution as a result of sexual exploitation. No child has the capacity to make a decision to participate in prostitution. Further, I ask that you remove the statute of limitation on the prosecution of traffickers. Passage of this bill will send a strong message that prostitution and trafficking are unacceptable behaviors in Hawaii.

Winton Schoneman  
Aiea, Hawaii

**HB-486-HD-1**

Submitted on: 3/12/2019 10:14:11 PM

Testimony for JDC on 3/14/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karen Stone	Individual	Support	No

Comments:

*I strongly support HB 486 relating to prostitution.*

*This bills closes a loophole left in our legislation to protect all minors against criminalization. Allowing certain persons to file a motion to vacate prostitution charges reduces a sizeable barrier to societal reintegration. Eliminating the statute of limitations is important as many victims do not come forward until much later; however, the crimes against them still deserve to be prosecuted.*

*I strongly urge you to pass HB 486. Thank you for the opportunity to testify on HB 486. Thank you for protecting the innocent victims of human trafficking.*



**HB-486-HD-1**

Submitted on: 3/13/2019 8:57:03 AM

Testimony for JDC on 3/14/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Meghan Akim	Individual	Support	No

Comments:

I strongly support HB 486 relating to prostitution.

This bill closes a loophole left in our legislation to protect all minors against criminalization. Allowing certain persons to file a motion to vacate prostitution charges reduces a sizable barrier to societal reintegration. Eliminating the statute of limitations is important as many victims do not come forward until much later; however, the crimes against them still deserve to be prosecuted.

I strongly urge you to pass HB 486. Thank you for the opportunity to testify on HB 486.

**LATE**

**HB-486-HD-1**

Submitted on: 3/13/2019 1:58:43 PM  
Testimony for JDC on 3/14/2019 9:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kayla M Rash	Individual	Oppose	No

Comments:

**The continuous conflation of sex trafficking with consensual adult sex work is unacceptable and actively harming both individuals being trafficked and consensual sex workers. No rationale has been presented for making promotion of prostitution a felony in the same class of murder. We can not allow moral outrage to get in the way of harm reduction.**

**HB-486-HD-1**

Submitted on: 3/13/2019 7:54:57 PM

Testimony for JDC on 3/14/2019 9:30:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Erica Scott	Individual	Support	No

Comments:

**HB-486-HD-1**

Submitted on: 3/14/2019 9:17:08 AM

Testimony for JDC on 3/14/2019 9:30:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Darin Padula	Individual	Oppose	Yes

Comments:

Please stop this disastrous march toward the Nordic model of sexual criminalization. There are better ways, to help trafficked people without the false conflation of sex work and trafficking, please listen to the local and international Harm reduction community of social workers.