
A BILL FOR AN ACT

RELATING TO THE SEXUAL EXPLOITATION OF CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that children in the
2 State are vulnerable to sex trafficking and commercial sexual
3 exploitation. Foster children and runaways with histories of
4 abuse and neglect are at particularly high risk. LGBTQ+ youth,
5 immigrants, undocumented workers, and youth suffering from
6 mental illnesses and substance abuse issues are also highly
7 vulnerable. Victims are often lured into sex trafficking
8 through emotional manipulation and control, force, fraud, or
9 threats. Children may not have the ability or resources to
10 escape and start a new life.

11 The legislature recognizes that in the last decade, the
12 commercial sexual exploitation of children has garnered greater
13 attention in Hawaii and throughout the United States. The
14 department of human services has received an increasing number
15 of calls on its hotline for witnesses or victims of child sex
16 trafficking. However, because child sex trafficking is covert,



1 it is difficult to accurately measure the scope of the problem
2 and exploited youth may not identify themselves as victims.

3 The legislature finds that in order to adequately serve
4 children who have been sexually exploited, a statewide
5 coordinator and steering committee is needed to develop and
6 utilize comprehensive interagency case management strategies,
7 protocols, and a multi-disciplinary system response to cases
8 that is both victim-centered and offender-focused.

9 Accordingly, the purpose of this Act is to:

- 10 (1) Establish a statewide coordinator and program within
11 the department of human services to address the needs
12 of sexually exploited children;
- 13 (2) Establish a statewide commercial sexual exploitation
14 of children steering committee;
- 15 (3) Establish a multidisciplinary team in each county to
16 immediately respond to cases of sexually exploited
17 children; and
- 18 (4) Appropriate moneys for this purpose.

19 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
20 amended by adding a new part to be appropriately designated and
21 to read as follows:



1 "PART . SEXUALLY EXPLOITED CHILDREN STATEWIDE COORDINATOR
2 AND PROGRAM

3 §346-A Definitions. As used in this part:

4 "Child" means a person under eighteen years of age.

5 "Commercial sexual exploitation of children" means any
6 sexual activity involving a child for the exchange or promise of
7 anything of value by any person.

8 "Statewide coordinator" means the statewide coordinator on
9 commercial sexual exploitation of children established pursuant
10 to section 346-B.

11 "Steering committee" means the commercial sexual
12 exploitation of children steering committee established pursuant
13 to section 346-C.

14 §346-B Sexually exploited children statewide coordinator
15 and program. (a) The director shall appoint a statewide
16 coordinator on commercial sexual exploitation of children for
17 the proper administration and enforcement of this chapter
18 without regard to chapter 76.

19 (b) The department shall develop and implement a program
20 to prevent the sexual exploitation of children and assist child
21 victims of sexual exploitation. The program shall:



- 1 (1) Support the operations of the steering committee;
- 2 (2) Promote public awareness of the sexual exploitation of
- 3 children, available services for victims, and state
- 4 and national hotlines for victims and witnesses;
- 5 (3) Produce and maintain informational materials,
- 6 including a website, on the prevention of child sexual
- 7 exploitation and on the public resources available to
- 8 victims and witnesses;
- 9 (4) Develop and provide comprehensive training on how to
- 10 prevent, identify, and address the sexual exploitation
- 11 of children;
- 12 (5) Apply for and monitor federal funding for anti-
- 13 trafficking efforts; and
- 14 (6) Submit a report on the commercial sexual exploitation
- 15 of children for the prior fiscal year to the
- 16 legislature no later than twenty days prior to the
- 17 convening of each regular session, including:
- 18 (A) The number of annual reports to state hotline
- 19 numbers alleging the sexual trafficking of a
- 20 minor;



- 1 (B) The total number of children suspected to be
- 2 victims of sex trafficking, including demographic
- 3 information and information on whether each child
- 4 was previously served by the department;
- 5 (C) The total number of children confirmed to be
- 6 victims of sex trafficking, including demographic
- 7 information and information on whether each child
- 8 was previously served by the department;
- 9 (D) By state-contracted providers:
- 10 (i) The types and aggregate costs of services
- 11 provided to children who are suspected or
- 12 confirmed victims of sex trafficking and the
- 13 number of children receiving each type of
- 14 service;
- 15 (ii) The total number of new children and
- 16 families served through these providers; and
- 17 (iii) The total number of children and families
- 18 served through these providers; and
- 19 (E) Delineated by county, the number of prosecutions
- 20 and convictions in the State for crimes related
- 21 to commercial sexual exploitation of children,



1 including but not limited to promoting child
2 abuse under part VI of chapter 707, sex
3 trafficking under section 712-1202, solicitation
4 of a minor for prostitution under
5 section 712-1209.1, promoting pornography for
6 minors under section 712-1215, promoting minor-
7 produced sexual images in the first or second
8 degree under sections 712-1215.5 and 712-1215.6,
9 and electronic enticement of a child in the first
10 or second degree under sections 707-756 and
11 707-757.

12 **§346-C Commercial sexual exploitation of children steering**
13 **committee; established.** (a) There is administratively attached
14 to the department the commercial sexual exploitation of children
15 steering committee, which shall be an advisory body exempt from
16 section 26-34. The steering committee shall comprise the
17 following members or their designees:

- 18 (1) The director of human services;
- 19 (2) The director of health;
- 20 (3) The superintendent of education;
- 21 (4) The attorney general;



- 1 (5) The public defender;
- 2 (6) The senior family court judge for the first circuit;
- 3 (7) The senior family court judge for the second circuit;
- 4 (8) The senior family court judge for the third circuit;
- 5 (9) The senior family court judge for the fifth circuit;
- 6 (10) The prosecuting attorney for the city and county of
- 7 Honolulu;
- 8 (11) The prosecuting attorney for the county of Maui;
- 9 (12) The prosecuting attorney for the county of Hawaii;
- 10 (13) The prosecuting attorney for the county of Kauai;
- 11 (14) The chief of the Honolulu police department;
- 12 (15) The chief of the Maui police department;
- 13 (16) The chief of the Hawaii police department;
- 14 (17) The chief of the Kauai police department;
- 15 (18) A representative of the children's justice centers;
- 16 and
- 17 (19) A representative of the Hawaii state commission on the
- 18 status of women.
- 19 (b) The statewide coordinator shall serve as chair of the
- 20 steering committee and may add any additional members as
- 21 necessary.



1 (c) The steering committee may discuss specific cases,
2 individuals, and other confidential information to the extent
3 permitted by law. The steering committee shall be exempt from
4 part I of chapter 92.

5 (d) The steering committee shall meet at least quarterly
6 and shall submit to the legislature by July 1, 2021, a
7 preliminary report of its findings and recommendations to
8 address the sexual exploitation of children, including any
9 proposed legislation. By July 1, 2022, the steering committee
10 shall submit a final report to the legislature that includes but
11 is not limited to:

- 12 (1) Plans for local and state agencies to identify and
13 respond to child victims of sex trafficking;
- 14 (2) Best practices used in other states to identify and
15 serve sexually exploited children;
- 16 (3) A comprehensive evaluation of existing programs and
17 services offered in the State for sexually exploited
18 children;
- 19 (4) Strategies for public outreach and education on the
20 sexual exploitation of children;

- 1 (5) An assessment of whether sexually exploited children
2 should be able to consent to treatment, services,
3 placement, and cooperation with law enforcement
4 without parental consent;
- 5 (6) A review of criminal statutes under chapter 712
6 regarding prostitution and sex trafficking;
- 7 (7) Plans for a training program for educators, community
8 members, law enforcement members, and mandatory
9 reporters of child abuse, including an outline of the
10 content of the training and an assessment of whether
11 mandatory training is required and in what intervals;
12 and
- 13 (8) Statewide assessment tools for first responders,
14 medical professionals, and service providers for use
15 in identifying child victims of commercial sexual
16 exploitation.

17 **§346-D Commercial sexual exploitation of children**
18 **multidisciplinary team; established.** (a) There is established
19 in every county a commercial sexual exploitation of children
20 multidisciplinary team to immediately respond to cases of the
21 sex trafficking of children. Members of each multidisciplinary



1 team shall be trained in the prevention, identification, and
2 treatment of child abuse and child neglect and shall be
3 qualified to provide a broad range of services related to child
4 abuse and neglect, including physical and sexual abuse and
5 domestic violence; sexually exploited children; and children at
6 risk of exploitation.

7 (b) Each multidisciplinary team shall:

8 (1) Provide a crisis response and support to sexually
9 exploited children;

10 (2) Assist family members who are supportive of the child
11 and whose interests are consistent with the best
12 interests of the child; and

13 (3) Meet law enforcement and prosecutorial needs.

14 Each multidisciplinary team shall facilitate the mutual
15 sharing of information among the team and among relevant
16 agencies and service providers, including information on the
17 victims' physical or mental health, or other information
18 relating to the best interests of the child, unless otherwise
19 prohibited by state or federal law.

20 (c) The following documents and materials shall not be
21 disclosed, except as otherwise provided in subsection (d):



- 1 (1) Documents and materials that pertain to specifically
2 identified cases or clients, including files, reports,
3 notes, photographs, records, electronic and other
4 communications, working papers, or recordings; and
- 5 (2) Documents and materials that comprise client interview
6 guidelines and other interview-related materials, as
7 well as all materials used in training forensic
8 interviewers.
- 9 (d) Confidential documents and materials shall only be
10 disclosed as follows:
- 11 (1) To persons on the multidisciplinary team or by
12 agencies or providers who are directly involved in the
13 treatment of the child or in the investigation, case
14 management, or legal processing of cases under this
15 chapter, including but not limited to members of law
16 enforcement, child welfare agencies, prosecuting
17 attorneys, and medical and mental health
18 professionals; or
- 19 (2) Pursuant to any state or federal law that authorizes
20 the disclosure of confidential information.



1 (e) The multidisciplinary team shall not be subject to
2 part I of chapter 92."

3 SECTION 3. The director of human services shall add four
4 full-time equivalent (4.0 FTE) positions as follows:

5 (1) One full-time equivalent (1.0 FTE) statewide
6 coordinator;

7 (2) One full-time equivalent (1.0 FTE) social worker V
8 assistant program administrator;

9 (3) One full-time equivalent (1.0 FTE) social worker IV
10 (child welfare intake); and

11 (4) One full-time equivalent (1.0 FTE) administrative
12 assistant.

13 SECTION 4. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2020-2021 for
16 the sexually exploited children statewide coordinator and
17 program established pursuant to this Act.

18 The sum appropriated shall be expended by the department of
19 human services for the purposes of this Act.

20 SECTION 5. In codifying the new sections added by section
21 2 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 6. This Act shall take effect on December 31,
4 2059.



Report Title:

DHS; Commercial Sexual Exploitation of Children; Coordinator;
Steering Committee; Prevention; Treatment; Appropriation

Description:

Establishes a statewide coordinator and program within DHS to address the needs of sexually exploited children. Establishes the commercial sexual exploitation of children steering committee. Requires the steering committees to submit reports to the legislature by July 1, 2021, and July 1, 2022. Appropriates funds. Takes effect 12/31/2059. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

