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# 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 are needed to develop and  
6 utilize comprehensive interagency case management strategies,  
7 protocols, and a multi-disciplinary system response to cases  
8 that are 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 commercial sexual exploitation of children and



1 assist child victims of commercial sexual exploitation. The  
2 program shall:

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



- 1 (A) The number of annual reports to state hotline  
2 numbers alleging the sexual trafficking of a  
3 minor;
- 4 (B) The total number of children suspected to be  
5 victims of sex trafficking, including demographic  
6 information and information on whether each child  
7 was previously served by the department;
- 8 (C) The total number of children confirmed to be  
9 victims of sex trafficking, including demographic  
10 information and information on whether each child  
11 was previously served by the department;
- 12 (D) By state-contracted providers:
- 13 (i) The types and aggregate costs of services  
14 provided to children who are suspected or  
15 confirmed victims of sex trafficking and the  
16 number of children receiving each type of  
17 service;
- 18 (ii) The total number of new children and  
19 families served through these providers; and
- 20 (iii) The total number of children and families  
21 served through these providers; and



1           (E) Delineated by county, the number of prosecutions  
2           and convictions in the State for crimes related  
3           to the commercial sexual exploitation of  
4           children, including but not limited to promoting  
5           child abuse under part VI of chapter 707,  
6           electronic enticement of a child in the first or  
7           second degree under sections 707-756 and 707-757,  
8           sex trafficking under section 712-1202,  
9           solicitation of a minor for prostitution under  
10          section 712-1209.1, promoting pornography for  
11          minors under section 712-1215, and promoting  
12          minor-produced sexual images in the first or  
13          second degree under sections 712-1215.5 and  
14          712-1215.6.

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

21           (1) The director of human services;



- 1           (2)    The director of health;
- 2           (3)    The superintendent of education;
- 3           (4)    The attorney general;
- 4           (5)    The public defender;
- 5           (6)    The senior family court judge for the first circuit;
- 6           (7)    The senior family court judge for the second circuit;
- 7           (8)    The senior family court judge for the third circuit;
- 8           (9)    The senior family court judge for the fifth circuit;
- 9           (10)   The prosecuting attorney for the city and county of
- 10                    Honolulu;
- 11           (11)   The prosecuting attorney for the county of Maui;
- 12           (12)   The prosecuting attorney for the county of Hawaii;
- 13           (13)   The prosecuting attorney for the county of Kauai;
- 14           (14)   The chief of the Honolulu police department;
- 15           (15)   The chief of the Maui police department;
- 16           (16)   The chief of the Hawaii police department;
- 17           (17)   The chief of the Kauai police department;
- 18           (18)   A representative of the children's justice centers;
- 19                    and
- 20           (19)   A representative of the Hawaii state commission on the
- 21                    status of women.



- 1 (b) The statewide coordinator:
- 2 (1) Shall serve as chair of the steering committee;
- 3 (2) Shall invite at least four representatives of
- 4 nonprofit agencies that provide direct services to
- 5 sexually exploited children to participate on the
- 6 steering committee; and
- 7 (3) May add any additional members to participate on the
- 8 steering committee as necessary.

9 (c) The steering committee may discuss specific cases,

10 individuals, and other confidential information to the extent

11 permitted by law. The steering committee shall be exempt from

12 part I of chapter 92.

13 (d) The steering committee shall meet at least quarterly

14 and shall submit to the legislature by July 1, 2021, a

15 preliminary report of its findings and recommendations,

16 including any proposed legislation, to address the commercial

17 sexual exploitation of children. By July 1, 2022, the steering

18 committee shall submit a final report to the legislature that

19 includes but is not limited to:

- 20 (1) Plans for local and state agencies to identify and
- 21 respond to child victims of sex trafficking;





- 1           (2) Best practices used in other states to identify and  
2           serve sexually exploited children;
- 3           (3) A comprehensive evaluation of existing programs and  
4           services offered in the State for sexually exploited  
5           children;
- 6           (4) Strategies for public outreach and education on the  
7           commercial sexual exploitation of children;
- 8           (5) An assessment of whether sexually exploited children  
9           should be able to consent to treatment, services,  
10          placement, and cooperation with law enforcement  
11          without parental consent;
- 12          (6) A review of criminal statutes under chapter 712  
13          regarding prostitution and sex trafficking;
- 14          (7) Plans for a training program for educators, community  
15          members, law enforcement members, and mandatory  
16          reporters of child abuse, including an outline of the  
17          content of the training and an assessment of whether  
18          mandatory training is required and in what intervals;
- 19          (8) Statewide assessment tools for first responders,  
20          medical professionals, and service providers for use



- 1 in identifying child victims of commercial sexual  
2 exploitation;
- 3 (9) An evaluation of transitional services available to  
4 help child victims who are close to eighteen years of  
5 age;
- 6 (10) Early indicators or high-risk factors for children  
7 that may lead to sexual exploitation and a plan to  
8 mitigate those risk factors; and
- 9 (11) Recommendations for formal data sharing between  
10 service providers and government agencies, including  
11 law enforcement, to facilitate the exchange of  
12 information.

13 **§346-D Commercial sexual exploitation of children**  
14 **multidisciplinary team; established.** (a) There is established  
15 in every county a commercial sexual exploitation of children  
16 multidisciplinary team to immediately respond to cases of the  
17 sex trafficking of children. Members of each multidisciplinary  
18 team shall be trained in the prevention, identification, and  
19 treatment of child abuse and child neglect and shall be  
20 qualified to provide a broad range of services related to child  
21 abuse and neglect, including physical and sexual abuse and



1 domestic violence; sexually exploited children; and children at  
2 risk of exploitation.

3 (b) Each multidisciplinary team shall utilize a case  
4 management approach, which is focused first, on the crisis  
5 response and support to sexually exploited children; second, on  
6 family members who are supportive of the child and whose  
7 interests are consistent with the best interest of the child;  
8 and third, on meeting law enforcement and prosecutorial needs.

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

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

17 (1) Documents and materials that pertain to specifically  
18 identified cases or clients, including files, reports,  
19 notes, photographs, records, electronic and other  
20 communications, working papers, or recordings; and



1           (2) Documents and materials that comprise client interview  
2           guidelines and other interview-related materials, as  
3           well as all materials used in training forensic  
4           interviewers.

5           (d) Confidential documents and materials shall only be  
6 disclosed as follows:

7           (1) To persons on the multidisciplinary team or by  
8           agencies or providers who are directly involved in the  
9           treatment of the child or in the investigation, case  
10          management, or legal processing of cases under this  
11          chapter, including but not limited to members of law  
12          enforcement, child welfare agencies, prosecuting  
13          attorneys, and medical and mental health  
14          professionals; or

15          (2) Pursuant to any state or federal law that authorizes  
16          the disclosure of confidential information.

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

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



- 1 (1) One full-time equivalent (1.0 FTE) statewide  
2 coordinator;
- 3 (2) One full-time equivalent (1.0 FTE) social worker V  
4 assistant program administrator;
- 5 (3) One full-time equivalent (1.0 FTE) social worker IV  
6 (child welfare intake); and
- 7 (4) One full-time equivalent (1.0 FTE) administrative  
8 assistant.

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

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

16 SECTION 5. In codifying the new sections added by section  
17 2 of this Act, the revisor of statutes shall substitute  
18 appropriate section numbers for the letters used in designating  
19 the new sections in this Act.

20 SECTION 6. This Act shall take effect on December 31,  
21 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. (HD2)

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

