

JAN 15 2020

A BILL FOR AN ACT

RELATING TO HUMAN TRAFFICKING.

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

1 SECTION 1. The legislature finds that sex trafficking is a
2 form of modern-day slavery. According to a 2018 report
3 published by Arizona State University, an estimated one in every
4 eleven adult males with an 808 area code in the State is an
5 online sex shopper. When nonresidents are included, the report
6 estimated that 74,362 sex shoppers are potentially active in the
7 islands. Moreover, IMUAlliance, a local service provider for
8 victims and survivors of sexual servitude, estimates that one
9 hundred fifty establishments in the State participate in the
10 commercial sex trade, making such establishments a high risk for
11 sex trafficking.

12 The legislature further finds that combating sex
13 trafficking requires a commitment by the visitor industry.
14 According to the National Human Trafficking Hotline website,
15 hotels and motels are a common venue for sex trafficking due to
16 the ease of access for buyers, ability to pay in cash and
17 maintain secrecy through finances, and lack of facility



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1 maintenance or upkeep expenses. Hotels and other transient
2 accommodations are used by pimps, traffickers, and sex buyers to
3 facilitate sexual exploitation. Ensuring that contact
4 information for the National Human Trafficking Resource Center
5 is available to guests, staff, and potential victims in
6 transient accommodations is one way to improve Hawaii's visitor
7 industry response to helping victims of sexual exploitation.

8 The legislature also finds that strengthening the
9 department of labor and industrial relations' enforcement
10 mechanism by increasing penalties, and earmarking these
11 penalties as financial resources for the human trafficking
12 victim services fund, will serve to better combat sex
13 trafficking in all high-risk establishments.

14 The purpose of this Act is to protect the State's visitor
15 industry from facilitating sex trafficking in high-risk
16 establishments by:

- 17 (1) Requiring transient accommodations operators to post
18 National Human Trafficking Resource Center hotline
19 information in prominent locations accessible to
20 employees and the public;



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- 1 (2) Strengthening the prohibition and penalty against all
- 2 high-risk establishment employers who fail to comply
- 3 with posting requirements;
- 4 (3) Providing that penalties collected be deposited into
- 5 the human trafficking victim services fund; and
- 6 (4) Allowing the department of labor and industrial
- 7 relations to contract with state or county departments
- 8 or agencies to implement or enforce posting
- 9 requirements.

10 SECTION 2. Section 371-20, Hawaii Revised Statutes, is
11 amended as follows:

12 "**§371-20 National Human Trafficking Resource Center**
13 **hotline; posting requirement; penalty.** (a) Every employer
14 specified in subsection (b) shall post and keep posted in a
15 ~~[place readily accessible to individuals in the employer's~~
16 ~~employ]~~ prominent location that is accessible to individuals in
17 the employer's employ and members of the public, a poster no
18 smaller than eight and one-half inches by eleven inches in size
19 that states the following:

20 "If you or someone you know is being forced to engage in
21 any activity and cannot leave - whether it is commercial



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1 sex, housework, farm work, or any other similar activity -
2 call the National Human Trafficking Resource Center Hotline
3 at 1-888-373-7888 to access help and services.

4 Victims of human trafficking are protected under United
5 States and Hawaii law.

6 The hotline is:

- 7 (1) Available twenty-four hours a day, seven days a week;
- 8 (2) Toll-free;
- 9 (3) Operated by a nonprofit, nongovernmental organization;
- 10 (4) Anonymous and confidential;
- 11 (5) Accessible in one hundred seventy languages; and
- 12 (6) Able to provide help, referral to services, training,
13 and general information."

14 (b) For purposes of this section, "employer" means any
15 person that:

- 16 (1) Holds a class 5 or class 11 liquor license pursuant to
17 section 281-31;
- 18 (2) Maintains a massage therapy establishment that employs
19 [~~five~~] three or more people; [~~or~~]
- 20 (3) Employs one or more erotic or nude massagers or exotic
21 or nude dancers as defined in section 712-1210 [~~-~~]; or



1 (4) Is a transient accommodations operator. As used in
2 this paragraph, "transient accommodations" and
3 "operator" shall have the same meanings as in section
4 237D-1.

5 (c) A poster required under subsection (a) shall be
6 printed in English and the director may supplement the required
7 information.

8 (d) The department shall make available on its public
9 website an electronic version of the poster required by
10 subsection (a) for employers to print.

11 (e) Any employer who [~~wilfully and knowingly~~] fails,
12 neglects, or refuses to perform any act required by this section
13 shall be fined [~~not more than \$100~~] \$500 for the first offense
14 and \$1,000 for each separate offense[-] thereafter. Each day
15 the violation continues shall constitute a separate offense.
16 All penalties paid and interest accrued on funds collected under
17 this subsection shall be deposited in the human trafficking
18 victim services fund pursuant to section 706-650.5. Any action
19 taken to impose or collect the penalty provided for in this
20 subsection shall be considered a civil action.



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1 (f) The department may contract with any state or county
 2 department or agency, including the liquor commission or liquor
 3 control adjudication board of each county, for the purposes of
 4 implementing or enforcing this section."

5 SECTION 3. Section 706-650.5, Hawaii Revised Statutes, is
 6 amended by amending subsection (4) to read as follows:

7 "(4) All fees paid and interest accrued on funds collected
 8 pursuant to this section, in addition to all penalties paid and
 9 interest accrued under section 371-20, shall be deposited into
 10 the human trafficking victim services fund."

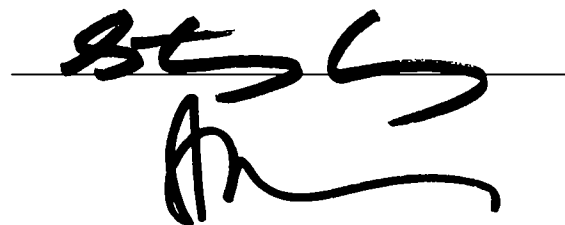
11 SECTION 4. This Act does not affect rights and duties that
 12 matured, penalties that were incurred, and proceedings that were
 13 begun before its effective date.


14 SECTION 5. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.


16 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:



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Report Title:

National Human Trafficking Hotline; Transient Accommodations;
Increased Penalties

Description:

Includes transient accommodations operators among the employers required to post National Human Trafficking Hotline information. Increases penalties for violations of posting requirement and requires deposit of penalties and interest into the human trafficking victim services fund. Allows DLIR to contract with state or county departments or agencies for enforcement.

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