

JAN 17 2020

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 state-wide
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 sex exploitation of children" means any sexual
6 activity involving a child for the exchange or promise of
7 anything of value by any person.

8 §346-B Sexually exploited children statewide coordinator
9 and program. (a) The director shall appoint a statewide

10 coordinator on commercial sexual exploitation of children for
11 the proper administration and enforcement of this chapter
12 without regard to chapter 76.

13 (b) The department shall develop and implement a program
14 to prevent the sexual exploitation of children and assist child
15 victims of sexual exploitation. The program shall:

16 (1) Support the operations of the commercial sexual
17 exploitation of children steering committee;

18 (2) Promote public awareness of the sexual exploitation of
19 children, available services for victims, and state
20 and national hotlines for victims and witnesses;



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



- 1 (C) The total number of children confirmed 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 (D) By state-contracted providers:
- 6 (i) The types and aggregate costs of services
- 7 provided to children who are suspected or
- 8 confirmed victims of sex trafficking and the
- 9 number of children receiving each type of
- 10 service;
- 11 (ii) The total number of new children and
- 12 families served through these providers; and
- 13 (iii) The total number of children and families
- 14 served through these providers; and
- 15 (E) Delineated by county, the number of prosecutions
- 16 and convictions in the State for crimes related
- 17 to commercial sexual exploitation of children,
- 18 including but not limited to promoting child
- 19 abuse under part VI of chapter 707, sex
- 20 trafficking under section 712-1202, solicitation
- 21 of a minor for prostitution under



1 section 712-1209.1, promoting pornography for
2 minors under section 712-1215, promoting minor-
3 produced sexual images in the first or second
4 degree under sections 712-1215.5 and 712-1215.6,
5 and electronic enticement of a child in the first
6 or second degree under sections 707-756 and
7 707-757.

8 **§346-C Commercial sexual exploitation of children steering**
9 **committee; established.** (a) There is administratively attached
10 to the department the commercial sexual exploitation of children
11 steering committee, which shall be an advisory body exempt from
12 section 26-34. The committee shall comprise the following
13 members or their designees:

- 14 (1) The director of human services;
- 15 (2) The director of health;
- 16 (3) The superintendent of education;
- 17 (4) The attorney general;
- 18 (5) The senior family court judge for the first circuit;
- 19 (6) The senior family court judge for the second circuit;
- 20 (7) The senior family court judge for the third circuit;
- 21 (8) The senior family court judge for the fifth circuit;



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- 1 (9) The prosecuting attorney for the city and county of
2 Honolulu;
- 3 (10) The prosecuting attorney for the county of Maui;
- 4 (11) The prosecuting attorney for the county of Hawaii;
- 5 (12) The prosecuting attorney for the county of Kauai;
- 6 (13) The chief of the Honolulu police department;
- 7 (14) The chief of the Maui police department;
- 8 (15) The chief of the Hawaii police department;
- 9 (16) The chief of the Kauai police department;
- 10 (17) A representative of the children's justice centers;
11 and
- 12 (18) A representative of the Hawaii state commission on the
13 status of women.
- 14 (b) The statewide coordinator shall serve as chair of the
15 steering committee and may add any additional members as
16 necessary.
- 17 (c) The steering committee may discuss specific cases,
18 individuals, and other confidential information to the extent
19 permitted by law. The steering committee shall be exempt from
20 part I of chapter 92.



1 (d) The steering committee shall meet at least quarterly
2 and shall submit to the legislature by July 1, 2021, a
3 preliminary report of its findings and recommendations to
4 address the sexual exploitation of children, including any
5 proposed legislation. By July 1, 2022 the steering committee
6 shall submit a final report to the legislature to include but
7 not be limited to:

- 8 (1) Plans for local and state agencies to identify and
9 respond to child victims of sex trafficking;
- 10 (2) Best practices used in other states to identify and
11 serve sexually exploited children;
- 12 (3) A comprehensive evaluation of existing programs and
13 services offered in the State for sexually exploited
14 children;
- 15 (4) Strategies for public outreach and education on the
16 sexual exploitation of children;
- 17 (5) An assessment of whether sexually exploited children
18 should be able to consent to treatment, services,
19 placement, and cooperation with law enforcement
20 without parental consent;

- 1 (6) A review of criminal statutes under chapter 712
- 2 regarding prostitution and sex trafficking;
- 3 (7) Plans for a training program for educators, community
- 4 members, law enforcement members, and mandatory
- 5 reporters of child abuse, including an outline of the
- 6 content of the training and an assessment of whether
- 7 mandatory training is required and in what intervals;
- 8 and
- 9 (8) Statewide assessment tools for first responders,
- 10 medical professionals, and service providers for use
- 11 in identifying child victims of commercial sexual
- 12 exploitation.

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 the 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:

4 (1) Provide a crisis response and support to sexually
5 exploited children;

6 (2) Assist family members who are supportive of the child
7 and whose interests are consistent with the best
8 interests of the child; and

9 (3) Meet law enforcement and prosecutorial needs.

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

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

18 (1) Documents and materials that pertain to specifically
19 identified cases or clients, including files, reports,
20 notes, photographs, records, electronic and other
21 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:

21 (1) 1.0 FTE statewide coordinator;



- 1 (2) 1.0 FTE social worker V assistant program
- 2 administrator;
- 3 (3) 1.0 FTE social worker IV (child welfare intake); and
- 4 (4) 1.0 FTE administrative assistant.

5 SECTION 4. There is appropriated out of the general
 6 revenues of the State of Hawaii the sum of \$ or so much
 7 thereof as may be necessary for fiscal year 2020-2021 for the
 8 sexually exploited children statewide coordinator and program.

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

11 SECTION 5. This Act shall take effect on July 1, 2020.

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S.B. NO. 2308

Report Title:

DHS; Commercial Sexual Exploitation of Children; Prevention; Treatment; Appropriation

Description:

Establishes within the Department of Human Services a sexually exploited children statewide coordinator and program and a commercial sexual exploitation of children steering committee to address the needs of sexually exploited children in the State. Requires the sexually exploited children statewide program and the commercial sexual exploitation of children steering committee to provide annual reports to the Legislature. Establishes within each county a commercial sexual exploitation of children multidisciplinary team to facilitate the sharing of information and to immediately respond to cases of sexually exploited children. Appropriates funds.

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

