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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 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 duly appointed representative or designee:

- 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;



- 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          (18)   A representative of the Hawaii state commission on the
- 12                   status of women;
- 13          (19)   A representative from the office of the public
- 14                   defender;
- 15          (20)   A representative from a nonprofit service provider
- 16                   that delivers direct intervention services to victims
- 17                   of sex trafficking; and
- 18          (21)   A representative from a nonprofit service provider
- 19                   that specializes in long term residential treatment
- 20                   services for victims of sex trafficking.



1 (b) The statewide coordinator shall serve as chair of the  
2 steering committee and may add any additional members as  
3 necessary.

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

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

- 15 (1) Plans for local and state agencies to identify and  
16 respond to child victims of sex trafficking;
- 17 (2) Best practices used in other states to identify and  
18 serve sexually exploited children;
- 19 (3) A comprehensive evaluation of existing programs and  
20 services offered in the State for sexually exploited  
21 children;





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

19 **§346-D Commercial sexual exploitation of children**  
20 **multidisciplinary team; established.** (a) There is established  
21 in every county a commercial sexual exploitation of children



1 multidisciplinary team to immediately respond to cases of the  
2 sex trafficking of children. Members of the multidisciplinary  
3 team shall be trained in the prevention, identification, and  
4 treatment of child abuse and child neglect and shall be  
5 qualified to provide a broad range of services related to child  
6 abuse and neglect (including physical and sexual abuse and  
7 domestic violence), sexually exploited children, and children at  
8 risk of exploitation.

9 (b) Each multidisciplinary team shall:

- 10 (1) Provide a crisis response and support to sexually  
11 exploited children;
- 12 (2) Assist family members who are supportive of the child  
13 and whose interests are consistent with the best  
14 interests of the child; and
- 15 (3) Meet law enforcement and prosecutorial needs.

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



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

3 (1) Documents and materials that pertain to specifically  
4 identified cases or clients, including files, reports,  
5 notes, photographs, records, electronic and other  
6 communications, working papers, or recordings; and

7 (2) Documents and materials that comprise client interview  
8 guidelines and other interview-related materials, as  
9 well as all materials used in training forensic  
10 interviewers.

11 (d) Confidential documents and materials shall only be  
12 disclosed as follows:

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



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

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

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

7           (1) 1.0 FTE statewide coordinator;

8           (2) 1.0 FTE social worker V assistant program  
9 administrator;

10          (3) 1.0 FTE social worker IV (child welfare intake); and

11          (4) 1.0 FTE administrative assistant.

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

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

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



**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. (SD1)

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

