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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 Further, 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 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 §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. Upon appointment, the statewide  
13 coordinator shall also serve as a member of the Hawaii  
14 interagency state youth network of care (HI-SYNC).

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

- 19 (1) Support the operations of the commercial sexual  
20 exploitation of children steering committee;



- 1           (2) Promote public awareness of the commercial sexual  
2           exploitation of children, available services for  
3           victims, and state and national hotlines for victims  
4           and witnesses;
- 5           (3) Produce and maintain informational materials,  
6           including a website, on the prevention of commercial  
7           sexual exploitation of children and on the public  
8           resources available to victims and witnesses;
- 9           (4) Develop and provide comprehensive training on how to  
10          prevent, identify, and address the commercial sexual  
11          exploitation 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 immediately preceding fiscal year  
16          to the legislature no later than twenty days prior to  
17          the 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 the commercial sexual exploitation of



1 children, including promoting child abuse under  
2 part VI of chapter 707, electronic enticement of  
3 a child in the first or second degree under  
4 sections 707-756 and 707-757, sex trafficking  
5 under section 712-1202, solicitation of a minor  
6 for prostitution under section 712-1209.1,  
7 promoting pornography for minors under section  
8 712-1215, and promoting minor-produced sexual  
9 images in the first or second degree under  
10 sections 712-1215.5 and 712-1215.6.

11 **§346-C Commercial sexual exploitation of children steering**  
12 **committee; established.** (a) There is administratively attached  
13 to the department the commercial sexual exploitation of children  
14 steering committee, which shall be an advisory body exempt from  
15 section 26-34. The steering committee shall comprise the  
16 following members or their duly appointed representatives or  
17 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 senior family court judge for the first circuit;
- 2 (6) The senior family court judge for the second circuit;
- 3 (7) The senior family court judge for the third circuit;
- 4 (8) The senior family court judge for the fifth circuit;
- 5 (9) The prosecuting attorney for the city and county of
- 6 Honolulu;
- 7 (10) The prosecuting attorney for the county of Maui;
- 8 (11) The prosecuting attorney for the county of Hawaii;
- 9 (12) The prosecuting attorney for the county of Kauai;
- 10 (13) The chief of the Honolulu police department;
- 11 (14) The chief of the Maui police department;
- 12 (15) The chief of the Hawaii police department;
- 13 (16) The chief of the Kauai police department;
- 14 (17) A representative of the children's justice centers;
- 15 (18) A representative of the Hawaii state commission on the
- 16 status of women;
- 17 (19) A representative from the office of the public
- 18 defender;
- 19 (20) A representative from a nonprofit service provider
- 20 that delivers direct intervention services to victims
- 21 of sex trafficking; and



1           (21) A representative from a nonprofit service provider  
2                   that specializes in long-term residential treatment  
3                   services for victims of sex trafficking.

4           (b) The statewide coordinator shall serve as chair of the  
5 steering committee and may add any additional members as  
6 necessary.

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

11           (d) The steering committee shall meet at least quarterly  
12 and shall submit to the legislature, by July 1, 2021, a  
13 preliminary report of its findings and recommendations,  
14 including any proposed legislation, to address the commercial  
15 sexual exploitation of children. By July 1, 2022, the steering  
16 committee shall submit a final report to the legislature that  
17 includes:

18           (1) Plans for local and state agencies to identify and  
19                   respond to child victims of sex trafficking;

20           (2) Best practices used in other states to identify and  
21                   serve sexually exploited children;





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



1           **§346-D Commercial sexual exploitation of children**

2   **multidisciplinary team; established.** (a) There is established  
3 in every county a commercial sexual exploitation of children  
4 multidisciplinary team to immediately respond to cases of child  
5 sex trafficking. Members of each multidisciplinary team shall  
6 be trained in the prevention, identification, and treatment of  
7 child abuse and child neglect and shall be qualified to provide  
8 a broad range of services relevant to abused and neglected  
9 children (including victims of physical and sexual abuse and  
10 domestic violence), sexually exploited children, and children at  
11 risk of exploitation.

12           (b) Each multidisciplinary team shall:

13           (1) Provide a crisis response and support to sexually  
14           exploited children;

15           (2) Assist family members who are supportive of the child  
16           and whose interests are consistent with the best  
17           interests of the child; and

18           (3) Meet law enforcement and prosecutorial needs.

19           Each multidisciplinary team shall facilitate the mutual  
20 sharing of information among the team and among relevant  
21 agencies and service providers, including information on the



1 victims' physical or mental health, or other information  
2 relating to the best interests of the child, unless otherwise  
3 prohibited by state or federal law.

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

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

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

14 (d) Confidential documents and materials shall only be  
15 disclosed as follows:

16 (1) To persons on the multidisciplinary team or by  
17 agencies or providers who are directly involved in the  
18 treatment of the child or in the investigation, case  
19 management, or legal processing of cases under this  
20 chapter, including members of law enforcement, child



1 welfare agencies, prosecuting attorneys, and medical  
2 and mental health professionals; or

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

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

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

9 (1) One full-time equivalent (1.0 FTE) statewide  
10 coordinator;

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

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

15 (4) One full-time equivalent (1.0 FTE) administrative  
16 assistant.

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



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

3           SECTION 5. In codifying the new sections added by section  
4 2 of this Act, the revisor of statutes shall substitute  
5 appropriate section numbers for the letters used in designating  
6 the new sections in this Act.

7           SECTION 6. This Act shall take effect on July 1, 2050.



**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. Requires the commercial sexual exploitation of children steering committee to provide 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 child sex trafficking. Appropriates funds. Effective 7/1/2050. (SD2)

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

