

JAN 17 2020

A BILL FOR AN ACT

RELATING TO SEX 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, it is estimated that one
4 in every eleven male residents of Hawaii are online sex
5 shoppers. When nonresidents are included, the report estimated
6 that 74,362 sex buyers are potentially active in the islands.
7 Moreover, Imua Alliance, a local victim service provider for
8 survivors of sexual servitude, estimates that one hundred fifty
9 establishments participate in the commercial sex trade in
10 Hawaii, placing them at a high risk for sex trafficking.

11 The legislature further finds that Hawaii does not have a
12 dedicated shelter for victims of sex trafficking. This lack of
13 an emergency shelter impedes the State's effectiveness in
14 responding to sexual exploitation by preventing government
15 agencies and victim service providers from establishing a
16 coordinated continuum of care and protection for victims in a
17 centralized location.



1 The purpose of this Act is to:

- 2 (1) Authorize the department of human services to
3 establish or contract with a victim service provider
4 to operate and manage a sex trafficking emergency
5 shelter, subject to available funding; and
6 (2) Exempt compensation received by a victim service
7 provider for operating a sex trafficking emergency
8 shelter from the general excise tax.

9 SECTION 2. Chapter 237, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§237- Exemption for victim service providers of sex
13 trafficking emergency shelters. There shall be exempted from
14 the measure of all taxes imposed by this chapter any
15 compensation received by a victim service provider for services
16 rendered to sex trafficking victims at a sex trafficking
17 emergency shelter pursuant to section 346- ."

18 SECTION 3. Chapter 346, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



1 "§346- Sex trafficking emergency shelter. (a) To the
2 extent that funding is available, the department may establish
3 or contract with a victim service provider to operate and manage
4 a sex trafficking emergency shelter.

5 (b) To the extent that appropriations are made available,
6 the sex trafficking emergency shelter shall provide housing and
7 appropriate service to victims granted admittance to the
8 shelter.

9 (c) The operator of the sex trafficking emergency shelter,
10 in consultation with any appropriate governmental agency or
11 nongovernmental organization, shall be responsible for
12 determining:

13 (1) If a victim is eligible for residence at the sex
14 trafficking emergency shelter, including the degree of
15 need and course of treatment for each victim; and

16 (2) When a victim is no longer eligible for residence at
17 the sex trafficking emergency shelter; provided that
18 the term of residence for any victim shall not exceed
19 thirty days.

20 (d) Any person who enters or remains in or upon the
21 premises of any sex trafficking emergency shelter authorized by



1 this section, after being requested to leave by the department
2 or its designee, victim service provider, or a police officer,
3 shall be guilty of a misdemeanor.

4 (e) Any compensation received by a victim service provider
5 pursuant to this section for operating or managing a sex
6 trafficking emergency shelter shall be exempt from taxation
7 under chapter 237.

8 (f) Any county mayor, by executive order, may exempt the
9 operator of a sex trafficking emergency shelter established
10 pursuant to this section from real property taxes, water and
11 sewer development fees, rates collected for water supplied to
12 consumers and for the use of sewers, and any other county taxes,
13 charges, or fees; provided that any county may enact ordinances
14 to regulate the exemptions authorized by this section.

15 (g) Any victim service provider contracted pursuant to
16 this section shall submit a financial report to the department
17 each year that the contract is in effect. The report shall
18 include recommendations about improving services for victims.
19 Failure to provide a financial report shall be grounds for
20 termination of the contract.



1 (h) This section shall not prohibit the department from
2 establishing additional programs for sex trafficking victims.

3 (i) As used in this section:

4 "Sex trafficking emergency shelter" means a facility that
5 provides emergency services for sex trafficking victims,
6 including but not limited to housing, rehabilitative, medical,
7 mental health, therapeutic, legal, or diagnostic services.

8 "Victim" means:

9 (1) A person under the age of eighteen who engages in
10 prostitution pursuant to section 712-1200(1)(a);

11 (2) A victim of sex trafficking pursuant to section 712-
12 1202;

13 (3) A victim of promoting prostitution pursuant to section
14 712-1203;

15 (4) A victim of a severe form of trafficking or a victim
16 of trafficking under title 22 United States Code
17 section 7102 et seq.; or

18 (5) A victim of the crime of sex trafficking of children
19 under title 18 United States Code section 1591.

20 "Victim service provider" means any nonprofit or
21 nongovernmental organization that provides social services to



1 sex trafficking victims, including but not limited to housing,
2 rehabilitation, education, vocational, medical, mental health,
3 or substance abuse treatment programs."

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

6

INTRODUCED BY:











S.B. NO. 2741

Report Title:

Sex Trafficking; Emergency Shelter; Victim Service Provider

Description:

Authorizes DHS to establish, or contract with a victim service provider to operate or manage, an emergency shelter for victims of sex trafficking, subject to available funding. Exempts compensation received by a victim service provider for operating a sex trafficking emergency shelter from the general excise tax.

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