

LATE

HB-1747

Submitted on: 1/29/2020 5:49:14 PM

Testimony for JUD on 1/30/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Khara Jabola-Carolus	Hawai'i State Commission on the Status of Women	Support	No

Comments:

Justin F. Kollar
Prosecuting Attorney



Rebecca Vogt Like
Second Deputy

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THE HONORABLE CHRIS LEE, CHAIR
THE HONORABLE JOY A. SAN BUENAVENTURA, VICE CHAIR
HOUSE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2020
State of Hawai'i

January 30, 2020

RE: H.B. 1747; RELATING TO SEX TRAFFICKING.

Chair Lee, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, the Office of the Prosecuting Attorney of the County of Kaua'i submits the following testimony in support of H.B. 1747.

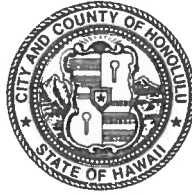
The purpose of H.B. 1747 is to include coercion as a means of committing the offense of sex trafficking.

Sex trafficking is often the product of not only force, threat, fraud or intimidation, as H.R.S. 712-1202 currently recognizes, but also coercion. This amendment to the offense of sex trafficking acknowledges this and incorporates it into the definition of the offense. This will allow for the apprehension and prosecution of individuals who coerce their victims into advancing prostitution.

For these reasons, the Office of the Prosecuting Attorney supports the passage of H.B. 1747. Thank you for this opportunity to testify.

POLICE DEPARTMENT
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OUR REFERENCE PJ-LS

January 30, 2020

The Honorable Chris Lee, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: House Bill No. 1747, Relating to Sex Trafficking

I am Acting Major Phillip Johnson of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 1747, Relating to Sex Trafficking.

This bill seeks to include coercion as an element of committing the offense of sex trafficking. Sex trafficking is a problem that impacts individuals, families, and communities. Traffickers disproportionately target at-risk populations by any means possible, including coercion.

The HPD urges you to support House Bill No. 1747, Relating to Sex Trafficking, and thanks you for the opportunity to testify.

APPROVED:

Sincerely,

A handwritten signature in cursive script that reads "Susan Ballard".

Susan Ballard
Chief of Police

A handwritten signature in cursive script that reads "Phillip Johnson".

Phillip Johnson, Acting Major
Narcotics/Vice Division

LATE

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**THE HONORABLE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2020
State of Hawai`i**

January 30, 2020

RE: H.B. 1747; RELATING TO SEX TRAFFICKING.

Chair Lee, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong support of H.B. 1747. This bill is part of the Department's 2020 legislative package.

The purpose of H.B. 1747 is to clarify Hawaii's sex trafficking laws to expressly include "coercion" as a means of advancing prostitution. Currently, Section 712-1202(a), Hawaii Revised Statutes ("HRS"), only states "advancing prostitution...by force, threat, fraud or intimidation," and there have been instances when our courts indicated that a particular set of facts did not fit within these existing definitions. One example was where a victim was told she could not eat (or sleep) until she finished a certain amount of work.

Adding the term "coercion" would also bring Hawaii's sex trafficking statute in-line with the federal code, which defines "severe forms of sex trafficking in persons" as:

"...sex trafficking in which a commercial sex act is induced by force, fraud, or coercion; or in which the person induced to perform such act has not attained 18 years of age..."

22 U.S. Code §7102(11)(a), emphasis added. And because the term "coercion" is not otherwise defined in the HRS, the Committee may also wish to consider all or part of the federal definition of coercion:

(3) COERCION. The term "coercion" means—

- (A) threats of serious harm to or physical restraint against any person;
- (B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
- (C) the abuse or threatened abuse of the legal process

22 U.S. Code §7102(3)(a). Federal code also defines “abuse or threatened abuse of the legal process” [22 U.S. Code §7102(1)], but this is likely already encompassed under Hawaii’s inclusion of the terms “threat” or “intimidation.”

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of H.B. 1747. Thank you for the opportunity to testify on this matter.



LATE

HB 1747, RELATING TO SEX TRAFFICKING

JANUARY 30, 2020 · HOUSE JUDICIARY
COMMITTEE · CHAIR REP. CHRIS LEE

POSITION: Support.

RATIONALE: IMUAlliance supports HB 1747, relating to sex trafficking, which includes coercion as a means of committing the offense of sex trafficking.

IMUAlliance is one of the state's largest victim service providers for survivors of sex trafficking. Over the past 10 years, we have provided comprehensive direct intervention (victim rescue) services to 150 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation. Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily trauma bonded to her pimp that while under his grasp, she couldn't remember her own name. Yet, sadly, many of the victims with whom we work are misidentified as so-called "voluntary prostitutes" and are subsequently arrested and incarcerated, with no financial resources from which to pay for their release.

Sex trafficking is a profoundly violent crime. The average age of entry into commercial sexual exploitation in Hawai'i may be as low as 14-years-old, with 60 percent of trafficked children being under the age of 16. Based on regular outreach and monitoring, we estimate that approximately

150 high-risk sex trafficking establishments operate in Hawai'i. In a recent report conducted by the State Commission on the Status of Women, researchers from Arizona State University found that 1 in every 11 adult males living in our state buys sex online. When visitors are also counted, that number worsens to 1 in every 7 men walking the streets of our island home and a daily online sex buyer market of 18,614 for O'ahu and a total sex buyer population for the island of 74,362, including both tourists and residents.

ASU's findings are grim, but not surprising to local organizations that provide services to survivors of sex trafficking. IMUAlliance, for example, has trained volunteers to perform outreach to victims in high-risk locations, like strip clubs, massage parlors, and hostess bars. More than 80 percent of runaway youth report being approached for sexual exploitation while on the run, over 30 percent of whom are targeted within the first 48 hours of leaving home. With regard to mental health, sex trafficking victims are twice as likely to suffer from PTSD as a soldier in a war zone. Greater than 80 percent of victims report being repeatedly raped and 95 percent report being physically assaulted, numbers that are underreported, according to the United States Department of State and numerous trauma specialists, because of the inability of many victims to recognize sexual violence. As one underage survivor told IMUAlliance prior to being rescued, "I can't be raped. Only good girls can be raped. I'm a bad girl. If I *want* to be raped, I have to *earn* it."

Accordingly, we support measures to advance our state's ability to crack down on sexual slavery, such as this measure's inclusion of coercion as a means of committing the offense of sex trafficking. Currently, HRS §712-1202(b) defines the sex trafficking of an adult in the following manner: "Advances prostitution by compelling or inducing a person by force, threat, fraud, or intimidation to engage in prostitution, or profits from such conduct by another." Adding the term "coercion" would expand this definition to include acts that are commonly used by traffickers to keep victims of sexual exploitation within our state's prolific slave trade, including nonphysical coercive tactics like isolation, monopolization of perception, induced debility or exhaustion, demonstration of omnipotence, degradation, and punitive enforcement of trivial demands. These coercive tactics reinforce the submission of trafficked persons to their traffickers even in the absence of physical force or restraints, creating extreme psychological stress that can lead to acute and chronic physical, emotional, and mental health problems, and compel exploited individuals to remain in traumatic situations.

HB-1747

Submitted on: 1/29/2020 5:46:22 PM

Testimony for JUD on 1/30/2020 2:45:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

HB-1747

Submitted on: 1/30/2020 12:51:10 PM

Testimony for JUD on 1/30/2020 2:45:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Andre Bisquera	Individual	Support	No

Comments: