



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

H.B. NO. 175, H.D. 1, RELATING TO SEX TRAFFICKING.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Tuesday, March 16, 2021

TIME: 3:00 p.m.

LOCATION: State Capitol, Room 225, Via Videoconference

TESTIFIER(S): Clare E. Connors, Attorney General, or
Farshad M. Talebi, Deputy Attorney General

Chair San Buenaventura and Members of the Committee:

The Department of the Attorney General (Department) supports this bill.

The purpose of this bill is to add “coercion” as a means of committing the offense of sex trafficking under 712-1202, Hawaii Revised Statutes.

Federal law, and most state jurisdictions, recognize coercion as a means of committing the offense of sex trafficking. Adding coercion to our criminal statute reflects the reality of the criminal enterprise of sex trafficking, and it will allow law enforcement and prosecutors to better protect victims and hold offenders accountable.

We respectfully ask this Committee to pass this bill.

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on
Human Services**

March 16, 2021

H.B. No. 175, HD1: RELATING TO SEX TRAFFICKING

Chair San Buenaventura, Vice Chair Ihara, and Members of the Committee:

The Office of the Public Defender respectfully opposes H.B. No. 175, HD1.

This measure seeks to amend HRS § 712-1202 to include “coercion” as a means of committing sex trafficking. The inclusion of the term “coercion” is simply unnecessary. Pursuant to the measure, “coercion” is to be defined as “threats of serious harm to or physical restraint against any person.” (*See* H.B. No. 175, page 1, lines 16-17). A plain reading of the current statute, however, includes that a person commits the offense if he/she uses “force” or “threats” or “intimidation.” “Force,” “threats,” and “intimidation” are simply synonymous with “coercion” as defined in the measure.

Thank you for the opportunity to provide testimony in this matter.

LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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**THE HONORABLE JOY A SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HUMAN SERVICES**

**Thirty-first State Legislature
Regular Session of 2021
State of Hawai'i**

March 16, 2021

RE: H.B. 175, H.D. 1; RELATING TO SEX TRAFFICKING.

Chair San Buenaventura, Vice Chair Ihara, members of the Senate Committee on Human Services, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong support of H.B. 175, H.D. 1. This bill is part of the Department's 2021 legislative package.

The purpose of H.B. 175, H.D. 1, 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.

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. 175, H.D. 1. Thank you for the opportunity to testify on this matter.



HB 175, HD 1, RELATING TO SEX TRAFFICKING

MARCH 12, 2021 · SENATE HUMAN SERVICES
COMMITTEE · CHAIR SEN. JOY A. SAN
BUENAVENTURA

POSITION: Support.

RATIONALE: Imua Alliance **supports HB 175, HD 1**, relating to sex trafficking, which amends section 712-1202, Hawaii Revised Statutes, to include coercion as a means of committing the offense of sex trafficking.

Imua Alliance 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. **During the pandemic, demand for victim services to our organization has skyrocketed by 330 percent, driven in part by a fivefold increase in direct crisis calls from potential trafficking victims.**

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. At least 23 percent of trafficking victims in Hawai'i report being first exploited before turning 18, according to a recent report, with the average age of trafficked keiki's initial exposure to exploitation being 11. 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. Imua Alliance, 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 Imua Alliance 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 stop sexual slavery, including by adding coercion as a means of committing the offense of sex trafficking and authorizing a prosecution for sex trafficking to be commenced at any time. As indicated above, sex trafficking victims are typically trauma bonded to their abusers. **Trauma-attached coercion is like Stockholm Syndrome, involving a powerful emotional dependency on the abusers and a shift in world- and self-view that results in feelings of gratitude and loyalty toward the abusers and a denial, dismissal, or minimization of the coercion, violence, and exploitation**

that victims have suffered. Trauma-attached victims require placement in a coordinated continuum of care to “break” their trauma bonds, receive rehabilitative services, and reintegrate into society in a healthy manner. It is common for victims to need long-term care before recognizing the extent of the trauma they’ve suffered, much less feel emotionally and physically secure enough to participate in criminal investigations. Moreover, sex trafficking often involves elements of nonphysical intimidation, such as social manipulation, ridicule, sexual humiliation, emotional and financial injury, and the establishment of a continuous climate of fear. Thus, to fully respect the needs of survivors and ensure that all victims of sexual exploitation may receive justice, we believe that the statute of limitations on sex trafficking cases should be eliminated.

Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org

HB-175-HD-1

Submitted on: 3/12/2021 4:16:35 PM

Testimony for HMS on 3/16/2021 3:00:00 PM

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

Comments:

Stand in Support

March 16, 2021

Joy A. San Buenaventura, Chair
Les Ihara Jr., Vice Chair
Senate Committee on Human Services

Support for H.B. 175 HD 1 Relating to Sex Trafficking

Aloha Chair Joy A. San Buenaventura and Committee,

My name is Samantha Yee and I am currently a junior at the University of Hawai'i at Mānoa pursuing a degree in Social Work. I am testifying in support of H.B. 175 HD 1 and its efforts to include 'coercion' in the verbiage of committing sex trafficking under Section 712-1202, Hawaii Revised Statutes.

H.B. 175 HD 1 addresses the complexity and vastness of sex trafficking. Including coercion as an amendment will acknowledge that any form of sex trafficking is prohibited by law and should not go unnoticed. An expanded definition of this crime will help more survivors by casting a larger net over the epidemic of sex trafficking in Hawai'i.

Sex trafficking is an issue we must deal with now. Child & Family Service chief program officer, Joey Keahiolalo, has voiced her concerns during the covid-19 pandemic of hidden trafficking cases with less opportunities to report. Even pre-pandemic, sex trafficking has been an undeniable problem. A recent study called "Sex Trafficking in Hawai'i" surveying those aged 12 and up who receive Child & Family Service help had devastating findings. Of the 363 participants across the state, over one-fourth identified as sex trafficking survivors. Many were first trafficked before turning 18. The survey notably found that of all the survivors, 27% were coerced to exchange sex for drugs, 25% coerced in exchange for money, and 25% in exchange for a place to stay. The children of Hawai'i are not safe if no action is to be taken. Imagine the number of children who haven't received any services or been accounted for. As this study shows, sex trafficking by coercion is common and particularly targets our keiki.

As a social work student, I have become explicably aware of the sex trafficking issue in Hawai'i and the long-term effects it has on survivors. As a member of this community, I know of people who are missing and have heard of possible trafficking attempts at malls. H.B. 175 HD 1 is a step towards bringing peace of mind to parents, children, and all residents. This bill addresses a horrifying crime and the effectiveness of wording written in the law. Coercion includes those trafficking cases that may have previously slipped through the cracks solely for a lack of further description.

I strongly testify in support of H.B. 175 HD 1 relating to sex trafficking.
Mahalo for your time,

Samantha Yee

University of Hawai'i at Mānoa

Thompson School of Social Work and Public Health
Class of 2023
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HB-175-HD-1

Submitted on: 3/16/2021 10:10:23 AM

Testimony for HMS on 3/16/2021 3:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Tim Hitchens	Individual	Support	No

Comments:

I support HB175 because by adding "coercion" to the definition of sex trafficking, Hawaii comes into alignment with the federal definition of sex trafficking. This is important for consistency, particularly in instances when Child Welfare Services and local Police Departments work on a case together. By federal mandate, Hawaii's state child abuse definition (HRS350) includes the federal definition of sex trafficking. Thus, while CWS is bound by the federal definition, local law enforcement is bound by the state definition.

HB-175-HD-1

Submitted on: 3/16/2021 1:38:00 PM

Testimony for HMS on 3/16/2021 3:00:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Allix Hessick	Individual	Oppose	No

Comments:

This bill poses no safety net to sexworks and continues to exploit them in regards to their ability to function safely within their already meager means.