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# A BILL FOR AN ACT

RELATING TO A SEX TRAFFICKING EMERGENCY SHELTER.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that sex trafficking is a  
2 modern-day form of slavery. According to a September 2018  
3 report published by Arizona State University and the Hawaii  
4 state commission on the status of women, it is estimated that  
5 one out of every eleven men in Hawaii over the age of eighteen  
6 is an online sex buyer and that there are 74,362 potential sex  
7 buyers in Hawaii. Moreover, during the coronavirus disease 2019  
8 (COVID-19) pandemic, a service provider for sex trafficking  
9 victims in Hawaii reported seeing a three hundred per cent  
10 increase in demand for services, which included trauma-informed  
11 care.

12       In 2018, as a part of a juvenile justice reform measure,  
13 the legislature authorized the creation and development of the  
14 Kawaiiloa youth and family wellness center at the site of the  
15 Hawaii youth correctional facilities, including "crisis shelters  
16 for victims of human and sex trafficking" under section  
17 352D-7.5(d), Hawaii Revised Statutes. Within a few months of



1 that authorization, the Kawaiiloa campus included an assessment  
2 center and shelter for young victims of sex trafficking. In  
3 addition, in the spring of 2021, Ho'ola Na Pua opened a  
4 first-of-its-kind, thirty-two bed, residential treatment program  
5 for victims of sex trafficking in Hawaii.

6 The legislature further finds that, despite the development  
7 of these two much-needed facilities, a gap in service remains  
8 that can be met by an emergency shelter for minor victims of sex  
9 trafficking. An emergency shelter for minor victims of sex  
10 trafficking would improve the State's effectiveness in  
11 responding to sexual exploitation by allowing government  
12 agencies and victim service providers to establish a coordinated  
13 continuum of care and protect victims in a centralized location.

14 Accordingly, the purpose of this Act is to authorize the  
15 office of youth services to establish or contract with a victim  
16 service provider to operate an emergency shelter for minors who  
17 are victims of sex trafficking and sexual exploitation.

18 SECTION 2. Chapter 352D, Hawaii Revised Statutes, is  
19 amended by adding a new section to be appropriately designated  
20 and to read as follows:



1        "§352D-       Sex trafficking emergency shelter for minors.

2       (a) The office may establish or contract with a victim service  
3       provider to operate an emergency shelter for sex trafficking  
4       victims.

5       (b) The emergency shelter shall provide emergency services  
6       to sex trafficking victims granted admittance to the shelter.  
7       Emergency services shall include but not be limited to housing,  
8       rehabilitation, medical, mental health, therapeutic, legal, and  
9       diagnostic services.

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

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

16       (2) Whether a sex trafficking victim is no longer eligible  
17       for services at the shelter; provided that services  
18       for any victim shall not exceed thirty days.

19       (d) Any person who enters or remains on the premises of an  
20       emergency shelter authorized by this section after being asked  
21       to leave by the office or its designee, a victim service



1 provider, or a law enforcement officer shall be guilty of a  
2 misdemeanor.

3 (e) The mayor of any county in the State, by executive  
4 order, may exempt the operator of an emergency shelter  
5 established pursuant to this section from real property taxes,  
6 water and sewer development fees, rates collected for water  
7 supplied to consumers and for use of sewers, and any other  
8 county taxes, charges, rates, or fees arising from the operation  
9 of the sex trafficking emergency shelter; provided that any  
10 county may enact ordinances to regulate the exemptions  
11 authorized by this section.

12 (f) The office shall require any victim service provider  
13 with whom it enters into a contract under this section to submit  
14 to the office a report for each year that the contract is in  
15 effect. The report shall include a financial report and  
16 recommendations for improving services for sex trafficking  
17 victims. Failure to provide the required report shall be  
18 grounds for the office to terminate a contract with the victim  
19 service provider.



1        (g) Nothing in this section shall prohibit the office from  
2 establishing additional programs or services for sex trafficking  
3 victims.

4        (h) Except as otherwise provided by law, the State shall  
5 be the payor of last resort for the operation of emergency  
6 shelters for sex trafficking victims pursuant to this chapter.

7        (i) As used in this section:

8        "Minor" means a person who is less than eighteen years of  
9 age.

10       "Sex trafficking victim" means:

11       (1) A minor subject to an act or practice of prostitution,  
12 as described in section 712-1200;

13       (2) A minor subject to an act or practice of sex  
14 trafficking, as described in section 712-1202(1)(b);

15       (3) A minor who is a victim of the offense of promoting  
16 prostitution under section 712-1203;

17       (4) A minor solicited for prostitution, as described in  
18 section 712-1209.1;

19       (5) A victim of a severe form of trafficking, as defined  
20 in title 22 United States Code section 7102, who is a  
21 minor;



1       (6) A victim of trafficking, as defined in title 22 United  
2       States Code section 7102, who is a minor; or

3       (7) A minor subject to the crime of sex trafficking of  
4       children or by force, fraud, or coercion under title  
5       18 United States Code section 1591.

6       "Victim service provider" means a nonprofit or  
7       nongovernmental organization that provides services to sex  
8       trafficking victims, including outreach, direct intervention,  
9       housing, rehabilitation, education, vocational, medical, mental  
10      health, or substance abuse treatment programs."

11       SECTION 3. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$500,000 or so much  
13 thereof as may be necessary for fiscal year 2022-2023 for the  
14 office of youth services to establish or contract with a victim  
15 service provider to operate a sex trafficking emergency shelter  
16 for minors.

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

19       SECTION 4. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.



1 SECTION 5. New statutory material is underscored.

2 SECTION 6. This Act shall take effect on July 1, 2060;

3 provided that section 4 shall take effect on July 1, 2022.

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# H.B. NO. 1700 H.D. 1

**Report Title:**

Sex Trafficking; Minors; Emergency Shelter; Office of Youth Services; Appropriation

**Description:**

Authorizes the office of youth services to establish or contract with a victim service provider to operate an emergency shelter for minors who are victims of sex trafficking or sexual exploitation. Appropriates funds. Effective 7/1/2060. (HD1)

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

