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# A BILL FOR AN ACT

RELATING TO HUMAN TRAFFICKING.

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

1       SECTION 1. The legislature finds that globally, an  
2       estimated twenty-seven million people are in slavery. The  
3       estimated total market value of illegal human trafficking is  
4       \$32,000,000,000. The International Labor Organization has  
5       reported that child workers, minorities, and irregular migrants  
6       are at considerable risk of more extreme forms of exploitation.  
7       The legislature also finds that individuals in the State  
8       are vulnerable to human trafficking and the closely related  
9       phenomenon of commercial sexual exploitation. According to a  
10      January 2020 report on sex trafficking in Hawaii authored by  
11      researchers from Arizona State University and the Hawaii state  
12      commission on the status of women, 26.7 per cent, or one in  
13      four, of several hundred clients served by Child and Family  
14      Service across five islands during a three-month period in 2019  
15      reported being sex trafficked. Two key points reported were  
16      that sixty-four per cent of the ninety-seven sex trafficked  
17      individuals were of native Hawaiian ethnicity and twenty-three



1 per cent of the sex trafficked individuals identified as male.  
2 Other key findings highlighted the severity of the problem and  
3 the urgent need to combat human trafficking in Hawaii. For  
4 example, more than one-quarter of the sex trafficked individuals  
5 reported that their sex trafficker was a family member. The age  
6 of victims at their first sex trafficking experience ranged from  
7 four to fifty-five years old. Of the sex trafficked individuals  
8 who were first trafficked when under the age of eighteen, the  
9 average victim age at the first sex trafficking experience was  
10 11.3 years old. The most common reasons identified by victims  
11 for their forced or coerced participation in sex trafficking  
12 were drugs, money, and shelter, with all three reasons being  
13 nearly equal in prevalence.

14 The legislature recognizes that the adverse impacts of  
15 human trafficking are far-reaching and cause harm to individuals  
16 and their families, communities, and societies. Trafficked  
17 individuals are often denied educational opportunities, which  
18 limits their potential to contribute economically as part of the  
19 workforce. Further, the illegal activity generated by human  
20 trafficking diverts moneys that otherwise may have contributed



1 to the growth of legitimate businesses or supported legally  
2 employed workers.

3 The negative consequences of human trafficking also impact  
4 the healthcare sector and contribute to rising healthcare costs.  
5 The trauma inflicted on a trafficking victim often affects the  
6 victim's friends and family members. The costs of medical  
7 treatment and rehabilitation for victims place additional  
8 burdens on individuals, medical professionals, insurers, and  
9 healthcare systems. Viewed in this light, directing resources  
10 toward the abolishment of human trafficking is both a moral  
11 obligation and fiscal responsibility.

12 Accordingly, the purpose of this Act is to:

- 13 (1) Require the department of human services to develop,  
14 and certain businesses and establishments to post, a  
15 notice containing information about the National Human  
16 Trafficking Hotline;
- 17 (2) Require the department of the attorney general to  
18 establish a position of statewide coordinator on human  
19 trafficking and a program within the department to  
20 address the needs of victims of human trafficking;



(3) Require the department of the attorney general to submit reports to the legislature on the State's efforts to address human trafficking and the commercial sexual exploitation of children; and

(4) Specify that court-ordered restitution for a victim of labor trafficking may include the cost of necessary rehabilitation for the victim, including medical, psychiatric, and psychological care and treatment.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new section to be appropriately designated and to read as follows:

"§ - Human trafficking; posting of notice required.

(a) Each of the businesses and other establishments specified below, upon the availability of the model notice described in subsection (c), shall post in a conspicuous place, near the public entrance of the business or establishment or in another conspicuous location in clear view of the public and employees where similar notices are customarily posted, a notice that complies with the requirements of this section:

(1) Establishments possessing a liquor license that is described in section 281-31;



- 1        (2) Bus stations;  
2        (3) Emergency rooms within general acute care hospitals;  
3        (4) Urgent care centers;  
4        (5) Privately operated job recruitment centers;  
5        (6) Boardinghouses, hotels, lodging or tenement houses,  
6           group homes, group residences, group living  
7           arrangements, and rooming houses, as defined in  
8           section 445-90; and

- 9        (7) Businesses or establishments that are licensed to  
10           offer massage or bodywork services in return for  
11           compensation.

12        (b) The notice required to be posted pursuant to  
13 subsection (a) shall be at least eight and one-half inches by  
14 eleven inches in size, written in a sixteen-point font or  
15 larger, and shall include the following statements:

- 16        (1) "If you or someone you know is being forced to engage  
17           in any activity and cannot choose to leave--whether  
18           the activity involves commercial sex, housework, farm  
19           work, construction, factory, retail, or restaurant  
20           work, or any other form of forced labor--call the  
21           National Human Trafficking Hotline at 1-888-373-7888



1           or send a text message to 233733 (BeFree) to access  
2           their help and services.";

3           (2) "Victims of slavery and human trafficking are  
4           protected under United States and Hawaii law."; and

5           (3) "The toll-free phone and text lines are available 24  
6           hours a day, 7 days a week, 365 days a year. The  
7           hotline can provide help, referral to services,  
8           training, and general information. Help is available  
9           in more than 200 languages. The hotline is operated  
10          by a non-profit, non-governmental organization.  
11          Communications with the hotline are anonymous and  
12          confidential.".

13          (c) No later than January 1, 2023, the department of human  
14          services shall develop a model notice that complies with the  
15          requirements of this section and shall make the model notice  
16          available for download on the department's website.

17          (d) A business or establishment that fails to comply with  
18          the requirements of this section shall be subject to a civil  
19          penalty of \$500 for a first offense and \$1,000 for each  
20          subsequent offense.



1       (e) A state or county agency may bring an enforcement  
2 action against a business or establishment that the agency is  
3 authorized to regulate, and if the following conditions are met:

4       (1) The agency provided the business or establishment with  
5 reasonable notice of noncompliance and specified that  
6 the business or establishment is subject to the  
7 applicable civil penalty if the violation is not  
8 corrected within thirty days from the date that notice  
9 was provided; and

10       (2) The agency verified that the business or establishment  
11 failed to correct the violation within the thirty-day  
12 period described in paragraph (1)."

13       SECTION 3. Chapter 28, Hawaii Revised Statutes, is amended  
14 by adding a new part to be appropriately designated and to read  
15 as follows:

16       **"PART . HUMAN TRAFFICKING STATEWIDE COORDINATOR AND PROGRAM**

17       **§28- Definitions. As used in this part:**

18       "Child" means a person under eighteen years of age.

19       "Commercial sexual exploitation of children" means any  
20 sexual activity involving a child for the exchange or promise of  
21 anything of value by any person.



1 "Department" means the department of the attorney general.

2 "Human trafficking" includes "severe forms of trafficking  
3 in persons", as defined in title 22 United States Code section  
4 7102(11), and "sex trafficking", as set forth in section 712-1202  
5 and as defined in title 22 United States Code section 7102(12).

6 "Statewide coordinator" means the statewide coordinator on  
7 human trafficking established in this part.

8 §28- Human trafficking statewide coordinator and  
9 program. (a) The attorney general shall appoint a statewide  
10 coordinator on human trafficking for the proper administration  
11 and enforcement of this part without regard to chapter 76.

12 (b) The department shall develop and implement a program  
13 to prevent and to assist victims of human trafficking that  
14 shall:

15 (1) Assess the current needs of the State's  
16 anti-trafficking response and develop:

17 (A) A statewide strategy to prevent human  
18 trafficking; and

19 (B) A plan to provide increased support and  
20 assistance to victims of the commercial sexual





1 exploitation of children and victims of human  
2 trafficking;

3 (2) Implement statewide strategies to address offender  
4 accountability through law enforcement efforts,  
5 prosecutions, and crime prevention efforts;

6 (3) Promote public awareness of:

7 (A) Human trafficking and the commercial sexual  
8 exploitation of children;

9 (B) The availability of services for victims of human  
10 trafficking; and

11 (C) The availability of state and national hotlines  
12 for victims and witnesses;

13 (4) Produce and maintain informational materials,  
14 including a website, on the prevention of human  
15 trafficking and the commercial sexual exploitation of  
16 children, and on the availability of public resources  
17 for victims and witnesses;

18 (5) Develop and provide comprehensive training on ways to  
19 prevent, identify, and address human trafficking and  
20 the commercial sexual exploitation of children; and



(6) Apply for and monitor federal funding for anti-trafficking efforts.

(c) The department shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2023 on the State's efforts to address the commercial sexual exploitation of children; and shall submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2024 on the State's efforts to address human trafficking. Each report shall include:

- (1) Plans to assist local and state agencies in identifying and responding to victims;
- (2) Best practices used in other states to identify and assist victims;
- (3) A comprehensive evaluation of applicable programs and services currently offered by the State;
- (4) Strategies for public outreach and education;
- (5) An assessment of barriers that inhibit law enforcement agencies, service providers, government agencies, and non-governmental organizations in the State from supporting victims and holding offenders accountable;



- 1 (6) A review of criminal statutes in chapter 712 on
- 2 prostitution and sex trafficking;
- 3 (7) Plans for a training program for educators, community
- 4 members, members of law enforcement agencies, and
- 5 mandatory reporters of child abuse, including an
- 6 outline of the training content and an assessment of
- 7 the need for mandatory training and, if needed,
- 8 appropriate intervals therefor;
- 9 (8) Statewide assessment tools for use by first
- 10 responders, medical professionals, and service
- 11 providers to identify victims;
- 12 (9) Plans for prevention strategies that mitigate the risk
- 13 factors for victims and offenders;
- 14 (10) Recommendations for enhancing statewide collaboration
- 15 and coordination through multidisciplinary teams,
- 16 committees, and task forces;
- 17 (11) An analysis of existing data regarding trafficking,
- 18 which may include the following:
- 19 (A) Data specific to the commercial sexual
- 20 exploitation of children, including:



1 (i) The number of reports to state and national  
2 hotlines alleging the sexual trafficking of  
3 a child;

4 (ii) The total number of children suspected to be  
5 victims of sex trafficking, including  
6 demographic information and information on  
7 whether each child was previously served by  
8 the department or by the department of human  
9 services;

10 (iii) The total number of children confirmed to be  
11 victims of sex trafficking, including  
12 demographic information and information on  
13 whether each child was previously served by  
14 the department or by the department of human  
15 services;

16 (iv) Data collected by state-contracted  
17 providers, including the types and aggregate  
18 costs of services provided to children who  
19 are suspected or confirmed victims of sex  
20 trafficking, the number of children  
21 receiving each type of service, and the



total number of new children and families  
served through these providers; and

(v) The number of prosecutions and convictions  
in the State, delineated by county, for  
crimes related to human trafficking or the  
commercial sexual exploitation of children;

(B) Data specific to sex and labor trafficking;

(C) The identification of any gaps in the State's  
ability to collect data; and

(D) Recommendations for improving data collection and  
data sharing among service providers,  
non-governmental organizations, and government  
agencies, including law enforcement agencies; and

(12) Any proposed legislation.

(d) The department may submit additional reports to the  
legislature providing data, status updates, and recommendations,  
as determined by the department.

(e) Every public official and state and county department  
shall render all necessary assistance and cooperation within  
their respective jurisdictional power to share information and



1 to assist the program in carrying out its duties under this  
2 part."

3 SECTION 4. Section 707-785, Hawaii Revised Statutes, is  
4 amended by amending subsection (1) to read as follows:

5 "(1) In addition to any other penalty, and notwithstanding  
6 a victim's failure to request restitution under section  
7 706-646(2), the court shall order restitution to be paid to the  
8 victim, consisting of an amount that is the greater of:

9 (a) The total gross income or value to the defendant of  
10 the victim's labor or services; ~~[or]~~

11 (b) The value of the victim's labor or services, as  
12 guaranteed under the minimum wage provisions of  
13 chapter 387 or the Fair Labor Standards Act of 1938,  
14 Public Law 75-718, title 29 United States Code  
15 sections 201 through 219, inclusive, whichever is  
16 greater[-]; or

17 (c) The amount equal to the cost of necessary  
18 rehabilitation for the victim, including medical,  
19 psychiatric, and psychological care and treatment."

20 SECTION 5. There is appropriated out of the general  
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2022-2023 to  
2 fund the development, translation, and printing of notices  
3 required pursuant to section 2 of this Act.

4 The sum appropriated shall be expended by the Department of  
5 Human Services for the purposes of section 2 of this Act.

6 SECTION 6. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect on December 31,  
9 2050.



**Report Title:**

Human Trafficking; Department of Human Services; Notice;  
National Human Trafficking Hotline; Department of the Attorney  
General; Statewide Coordinator on Human Trafficking and Program;  
Victim Restitution

**Description:**

Requires the Department of Human Services to develop, and  
certain businesses and establishments to post, a notice  
containing information about the National Human Trafficking  
Hotline. Requires the Department of the Attorney General to  
establish a Statewide Coordinator on Human Trafficking and a  
Program within the Department to support the needs of victims of  
human trafficking and submit reports to the Legislature on the  
State's efforts to address human trafficking and the commercial  
sexual exploitation of children. Specifies that court-ordered  
restitution for a victim of labor trafficking may include the  
cost of necessary rehabilitation for the victim, including  
medical, psychiatric, and psychological care and treatment.  
Effective 12/31/2050. (SD1)

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not legislation or evidence of legislative intent*

