

STAND. COM. REP. NO.

2466

Honolulu, Hawaii

FEB 17 2022

RE: S.B. No. 3245
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 3245 entitled:

"A BILL FOR AN ACT RELATING TO HUMAN TRAFFICKING,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of Human Services to develop, and for certain businesses and establishments to post, a notice containing information about the National Human Trafficking Hotline;
- (2) Require the Department of the Attorney General to establish a Statewide Coordinator on Human Trafficking and a Program to support 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;
- (4) Require the Children's Justice Program of the Judiciary to coordinate the investigation and case management of child trafficking cases, including cases involving the commercial sexual exploitation of children;



- (5) 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;
- (6) Require a person convicted of sex trafficking to forfeit assets from trafficking activity and require that the assets first be used to pay any restitution owed or damages awarded to the trafficking victim; and
- (7) Provide a process for victims of certain offenses involving human trafficking to petition to have their criminal record expunged.

Your Committee received testimony in support of this measure from the Judiciary, Department of Human Services, Imua Alliance, Pacific Survivor Center, and two individuals. Your Committee received testimony in opposition to this measure from the Libertarian Party of Hawaii, COYOTE RI, and two individuals. Your Committee received comments on this measure from the Department of the Attorney General and Harm Reduction Hawaii.

Your Committee finds that the adverse impacts of human trafficking, including sex trafficking and commercial sexual exploitation are far-reaching and cause harm not just to the individuals trafficked, but also their families, the community, and society. This measure addresses the issue holistically by directing the State's resources toward various means of abolishing human trafficking, including sex trafficking and commercial sexual exploitation, and addressing the effects thereof.

Your Committee notes the testimony of the Judiciary, raising concern that section 4 of this measure, which requires the Judiciary's Children's Justice Program to coordinate the investigation and case management of child trafficking cases, including cases involving the commercial sexual exploitation of children, would create unnecessary confusion given other measures being considered during this regular session that would ensure the same outcome.

Your Committee further notes the testimony of the Department of the Attorney General, raising concern over section 6 of this



measure, stating that the proposed forfeiture provisions lack specificity, which would make enforcement difficult. The Department also raised concern over section 7 of this measure, which purports to provide a process for victims of certain offenses involving human trafficking to petition to have their criminal record expunged, stating that the proposed amendments to the existing statute are open to misinterpretation in the court process.

Your Committee also notes the testimony of the Department of Human Services, stating that the Department will require additional resources to implement this measure, including funds for the development, translation into multiple languages, and printing of the notice required under this measure.

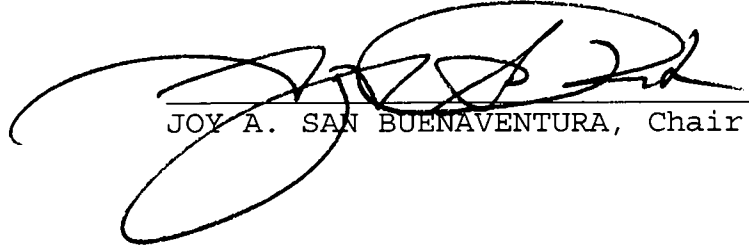
Accordingly, your Committee has amended this measure by:

- (1) Deleting sections 4, 6, and 7;
- (2) Appropriating an unspecified amount of moneys from the general fund for the development, translation, and printing of notices required pursuant to this measure to be expended by the Department of Human Services;
- (3) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3245, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3245, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Human Services,



JOY A. SAN BUENAVENTURA, Chair



