

DAVID Y. IGE
GOVERNOR



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DIRECTOR

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EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
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ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
ON
HOUSE BILL NO. 1777

February 3, 2022
2:00 p.m.
Room 325 and Videoconference

RELATING TO THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 1777 appropriates an unspecified amount of general funds for FY 23 for the Department of the Attorney General to fulfil the reporting requirements to the Legislature containing data specific to the commercial sexual exploitation of children.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

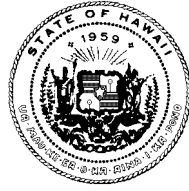
Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

February 2, 2022

TO: The Honorable Representative Mark M. Nakashima, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: **HB 1777 – RELATING TO THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN.**

Hearing: February 3, 2022, 2:00 p.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this measure, defers to the Department of the Attorney General, and provides comments regarding data collection.

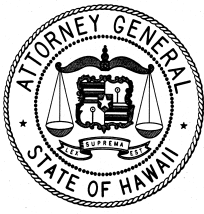
PURPOSE: The bill requires the Department of the Attorney General to provide annual reports to the Legislature on specified data pertaining to the commercial sexual exploitation of children.

DHS collects intake data from the Child Welfare Services Branch (CWS) child abuse and neglect hotline, as well as CWS's labor and sex trafficking hotline. The information provided to our hotline numbers comes from a variety of sources, though primarily this data is from mandated reporters. Once information is reported to the hotline(s), it is cross-reported to law enforcement. Information is investigated, and if an allegation is confirmed, then the cases either become CWS cases or are transferred to a contracted provider for follow-up.

Other county and state governmental entities may collect data regarding the CSEC population. Under a current Memorandum of Understanding (MOU) with the Children's Justice Center (CJC), and under current DHS Administrative Rules, limited data sharing is allowed for the purpose of investigation, criminal prosecution, service delivery, and treatment for the victim.

In order for the Department of the Attorney General to have non-duplicative data, there would need to be specific guidelines developed as to data collection, data sharing, and data reporting for these proposed reports to be accurate and useful. Additional resources will likely be needed. DHS agrees that this data is necessary to improve the response and improve services for this population.

Thank you for the opportunity to provide comments on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

H.B. NO. 1777, RELATING TO THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Thursday, February 3, 2022 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Farshad M. Talebi, Deputy Attorney General

Chair Nakashima and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

This bill would require the Department to provide annual reports to the Legislature on specific data pertaining to the commercial sexual exploitation of children in an attempt to more accurately measure the scope of the problem in Hawai'i.

While an annual report to the Legislature providing statewide data pertaining to the commercial sexual exploitation of children would be helpful in assessing and improving the State's anti-trafficking response, the Department has concerns about the bill as written and provides the following recommendations.

Section 2 of the bill requires the Department to provide "data specific to the commercial sexual exploitation of children" as listed in that section. Page 2, lines 19-20. The Department does not collect data related to the commercial sexual exploitation of children and there is no existing statewide database for this purpose. Additionally, the Department has no authority to direct state and county departments or agencies, as well as government-contracted providers to collect the specific data outlined in bill. The data available to the Department is limited to what other entities are willing to provide to the Department and thus, may not include all the existing data that is collected by various entities.

Because the Department is limited in what it will be able to report to the Legislature, we suggest that at page 2, line 11, “specified data” be changed to “available data”.

We also suggest that on page 2, lines 19-21, the wording “. . . data specific to the commercial sexual exploitation of children that covers the immediately preceding fiscal year, including the following: . . .” be amended to read as follows:

. . . available data from entities that collect and are willing to provide data pertaining to the commercial sexual exploitation of children to the department that covers the immediately preceding fiscal year. If available to the department, the data in the report should include the following: . . .

Lastly, although the specific data in the report proposed by the bill would be helpful in assessing and improving the State’s anti-trafficking response, we also suggest adding a subsection that makes it clear that entities are encouraged, but not required, to collect this specific data.

While we offer the suggestions above, our concerns remain. The Department is not aware of what data currently exists, what specific data other entities are currently collecting, what data other entities are willing to collect in the future, or what data must remain confidential. Like our Department, other entities may not have the resources and personnel to take on this additional responsibility.

We appreciate this opportunity to provide comments on this bill.

LATE

HB-1777

Submitted on: 2/3/2022 1:50:08 PM

Testimony for JHA on 2/3/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Khara Jabola-Carolus	Hawai'i State Commission on the Status of Women	Support	No

Comments:

The Hawai'i State Commission on the Status of Women supports HB1777. Firstly, this measure would centralize data that the State already has; it is not overly burdensome to the Department of the Attorney General. Secondly, this data is important to build the foundation of an effort against the crisis of missing and murdered Native Hawaiian women and girls (MMNHWG). The ongoing MMNHWG would benefit from ready access to this data for our broader investigation and reports to the Legislature.

Accordingly, CSW asks that the Committee pass HB1777.

Mahalo,
Khara Jabola-Carolus, Director

HAWAII YOUTH SERVICES NETWORK

677 Ala Moana Boulevard, Suite 904 Honolulu, Hawaii 96813

Phone: (808) 489-9549

Web site: <http://www.hysn.org> E-mail: info@hysn.org

Carole Gruskin, President

Judith F. Clark, Executive Director

Bay Clinic

Big Brothers Big Sisters Hawaii

Big Island Substance Abuse Council

Bobby Benson Center

Child and Family Service

Coalition for a Drug Free Hawaii

Collins Consulting, LLC

Domestic Violence Action Center

EPIC, Inc.

Family Programs Hawaii

Family Support Hawaii

Friends of the Children's Justice Center of Maui

Get Ready Hawai'i

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Children's Action Network

Hawaii Health & Harm

Reduction Center

Ho'ola Na Pua

Kahi Mohala

Kokua Kalihi Valley

Kokua Ohana Aloha (KOA)

Maui Youth and Family Services

Na Pu'uwai Molokai Native

Hawaiian Health Care Systems

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

PHOCUSED

PFLAG - Kona Big Island

Planned Parenthood of the

Great Northwest and

Hawaiian Islands

Residential Youth Services

& Empowerment (RYSE)

Salvation Army Family

Intervention Services

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

February 1, 2022

To: Representative Mark Nakashima, Chair,
And members of the Committee on Judiciary

TESTIMONY IN SUPPORT OF HB 1777 RELATING TO THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

Hawaii Youth Services Network (HYSN), a statewide coalition of youth-serving organizations, supports HB 1777 Relating to the Commercial Sexual Exploitation of Children.

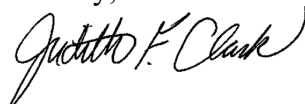
Good quality data about children and youth who are survivors of commercial sexual exploitation is an essential tool needed to address their needs and issues. The scope of data requested will be valuable in increasing professional and community awareness and understanding of the problem.

HYSN doubts that all of the data specified is currently collected. Funding will be needed for data collection, analysis, and training of service providers.

HYSN strongly recommends an amendment requiring posting of the report on the Attorney General's website to make this valuable information available to planners, service providers, and community members. HYSN currently receives federal funding for outreach to runaway, homeless and street youth who are at risk of sexual exploitation and trafficking. Access to the report would help us to improve services to this population and increase the sustainability of the program.

Thank you for this opportunity to testify.

Sincerely,



Judith F. Clark, MPH
Executive Director



Executive Director
Cindy Shimomi-Saito

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Steven T. Emura, M.D.

David I. Haverly

Linda Jameson

Lindsay Norcross Mist

Nadine Tenn Salle, M.D.

Joshua A. Wisch

Date: February 2, 2022

To: Rep Mark M. Nakashima, Chair
Rep. Scot Z. Matayoshi, Vice Chair

From: Lynn Costales Matsuoka, Associate Director
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Support of HB 1777
Relating to the Commercial Exploitation of Children

Hearing: February 2, 2022, via video conference 2:00pm

Good Morning Chair Nakashima and Vice Chair Matayoshi and Members of the Committee on Judiciary and Hawaiian Affairs:

The Sex Abuse Treatment Center (SATC) is in support of HB 1777, Relating to the Commercial Exploitation of Children.

This bill would require the Department of the Attorney General to provide annual reports to the Legislature on specified data pertaining to the commercial sexual exploitation of children.

While we have concerns regarding the process and source of data collection, we support requiring the Attorney General's office to provide annual reports to the Legislature. The information reported to the Legislature will be ensure that the necessary law enforcement and human services resources are directed towards helping these victims and survivors.

The SATC supports HB 1777. Thank you for your consideration.

HB-1777

Submitted on: 2/1/2022 6:16:13 AM

Testimony for JHA on 2/3/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Leimomi Khan	Individual	Support	No

Comments:

The proposed report would help the legislature and others to affirm the significance of the problem and to take legislative action to help with the issues of sexual exploitation.

HB-1777

Submitted on: 2/2/2022 12:23:05 AM

Testimony for JHA on 2/3/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair and members.

Support for this bill which is a good step towards getting a picture of the true scope of the problem of sexual exploitation of children in Hawai`i.

Mahalo,

Ann S, Freed

Life-time feminist in Mililani

HB-1777

Submitted on: 2/2/2022 3:10:03 PM

Testimony for JHA on 2/3/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Richard Medeiros	Individual	Support	No

Comments:

Aloha,

I write in strong support of HB1777 to help protect the most vulnerable in our communities.

Mahalo,

Richard

HB-1777

Submitted on: 2/2/2022 5:10:59 PM

Testimony for JHA on 2/3/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Johnnie-Mae L. Perry	Individual	Support	No

Comments:

HB 1777

RELATING TO THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN

Thank you for your consideration of my testimony in **SUPPORT**.

Johnnie-Mae L. Perry