

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**

February 2, 2021

S.B. No. 48: RELATING TO SEX TRAFFICKING

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

The Office of the Public Defender respectfully opposes S.B. No. 48.

S.B. No. 48 makes several major changes to the sex trafficking laws. We oppose passage of Section 1 which removes the statute of limitations for sex trafficking and promoting prostitution. Statutes of limitations have been established to allow for timely prosecution of criminal offenses. With the passage of time, a criminal charge becomes more difficult to defend against and wrongful convictions are more likely to occur. The memories of witnesses become more inaccurate, witnesses are more likely to become influenced by persons who have interests in the case, and relevant evidence is more difficult to obtain. Thus, under the law, criminal charges must be brought within certain time periods following their commission.

Sex trafficking (HRS § 712-1202) is a Class A felony for which there is currently a six-year statute of limitations. Promoting Prostitution is a Class B felony for which there is currently a three-year statute of limitations. These time periods are sufficient for timely and just prosecutions in these types of cases.

If the committee is inclined to extend the statute of limitations, this extension should not be applied retroactively to cases in which the applicable statute of limitations has already expired. Put another way, a statute of limitations that has already expired cannot be revived. In fact, the federal courts have prohibited such *ex post facto* applications, holding in *Stogner v. California*, 539 U.S. 607, 123 S.Ct. 2446, 156 L.Ed.2d 544 (2003) that “a law enacted after expiration of a previously applicable time limitations period violates the *Ex Post Facto* Clause when it is applied to revive a previously time-barred prosecution.”

Additionally, should the committee extend the statute of limitations, we encourage the committee to extend the current statute of limitations to a finite time period, and not allow prosecutions to commence “at any time”.

We also oppose passage of section 4 of the bill on pages 4 and 5 which, under the sex trafficking law, establishes a strict liability Class A felony for someone who offers to pay a fee for sexual conduct to a minor or to a law enforcement officer posing as a minor. The measure will eliminate the defense that the minor represented himself or herself as an adult. It is not uncommon for minors, including those involved in the sex industry, to hold themselves out at an age older than they are. It would be draconian and unjust to punish someone with a 20-year prison term who possessed the state of mind to commit simple prostitution with someone who he/she legitimately believed to be an adult. Indeed, adults with no intention or desire to engage in sexual conduct with a minor will be subject to a 20-year prison term. Even a defendant who requests to see identification from the minor and is provided with false identification indicating he/she is 18-years-old or older would be unjustly subjected to a class A felony.

Finally, defining “minor” as a person who is less than eighteen years of age appears inconsistent with the language found in sexual assault statutes involving minors:

HRS § 707-730(1)(b) provides, “A person commits the offense of sexual assault in the first degree if the person knowingly engages in sexual penetration with another person who is *less than fourteen years old*.” (Emphasis added).

HRS § 707-731(1)(d)(i) provides, “A person commits the offense of sexual assault in the second degree if . . . [t]he person knowingly subjects to sexual penetration a minor who is *at least sixteen years* old and the person is contemporaneously acting in a professional capacity to instruct, advise, or supervise the minor; provided that . . . [t]he person is not less than five years older than the minor.” (Emphasis added).

HRS § 707-732(1)(b) provides, “A person commits the offense of sexual assault in the third degree if . . . [t]he person knowingly subjects to sexual contact another person who is *less than fourteen years old* or causes such a person to have sexual contact with the person.” (Emphasis added).

HRS § 707-732(1)(c) provides, “A person commits the offense of sexual assault in the third degree if . . . [t]he person knowingly engages in sexual contact with a person *who is at least fourteen years old but less than sixteen years old* or causes the minor to have sexual contact with the person; provided

that . . . [t]he person is not less than five years older than the minor; and [t]he person is not legally married to the minor.” (Emphasis added).

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



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

**LATE**

**ON THE FOLLOWING MEASURE:**

S.B. NO. 48, RELATING TO SEX TRAFFICKING.

**BEFORE THE:**

SENATE COMMITTEE ON HUMAN SERVICES

**DATE:** Tuesday, February 2, 2021 **TIME:** 3:00 p.m.

**LOCATION:** State Capitol, Room 225, via Video Conference

**TESTIFIER(S):** **WRITTEN TESTIMONY ONLY.**  
(For more information, contact Farshad M Talebi,  
Deputy Attorney General, at 808-596-1173)

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Chair San Buenaventura and Members of the Committee:

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

This bill would (1) remove the statute of limitations for the crime of “sex trafficking” and “promoting prostitution”, (2) include the crime of “solicitation of a minor for prostitution” as an alternative means for the crime of “sex trafficking”, (3) change the requirement for knowledge of a child sex trafficking victim’s age to strict liability, (4) add coercion as a means of committing the offense of sex trafficking, and (5) eliminate consent as a defense for sex trafficking.

The Department supports amending section 701-108, Hawaii Revised Statutes, (HRS) to add sex trafficking to the list of offenses for which a prosecution may be commenced at any time as proposed in Section 2 of this bill, at page 2, lines 9 through 18. Eliminating the statute of limitations for sex trafficking is important because it will improve the State’s ability to prosecute sex offenders whose victims are unable to seek help from law enforcement while they are under the control of their offender. Extending the time in which victims are able to report the offenses will enable victims to report offenses after they have escaped to a safe environment and will improve the State’s ability to hold sex traffickers accountable for their offenses.

The amendments to section 712-1202, HRS, at page 5, lines 13 through 17, make sex trafficking a strict liability offense. This is important because those who commercially sexually exploit minors should be held accountable regardless of what they believe the victim's age to be. This is also consistent with other sex offenses against minors, which are currently strict liability offenses.

Although it is not addressed in this bill, the Department has other significant legal concerns with the sex trafficking statute and the "solicitation of a minor for prostitution" statute, and respectfully asks the committee to consider the amendments outlined in the Department's bill, Senate Bill No. 1041.

We appreciate this opportunity to provide comments on this bill and respectfully ask the committee to consider these suggestions.

**SB-48**

Submitted on: 1/28/2021 3:01:08 PM

Testimony for HMS on 2/2/2021 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Testifying for Maui Police Department	Support	No

Comments:

Sadly, this type of crime is all to real in Maui County.

I concur. Why not make our state law consistent with Title 18 United States Code Section 1591, as identified in this bill.

**SB-48**

Submitted on: 1/31/2021 4:46:58 PM

Testimony for HMS on 2/2/2021 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gregg Okamoto	Testifying for Maui Police Department	Support	No

Comments:

The Maui Police Department, as a public safety agency, supports this bill. The bill will help clarify any definitions and language as it relates to our ability to enforce the law as well as remove any statute of limitations that may impede our ability to investigate. This would greatly increase our ability to protect the victims of of sex trafficking as well as prosecute those who are responsible. Especially in the interest of minor victims. Thank you.

**LATE**

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
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STEVEN S. ALM  
PROSECUTING ATTORNEY



THOMAS J. BRADY  
FIRST DEPUTY  
PROSECUTING ATTORNEY

**THE HONORABLE JOY SAN BUENAVENTURA, CHAIR**  
**SENATE COMMITTEE ON HUMAN SERVICES**  
**Thirty-first State Legislature**  
**Regular Session of 2021**  
**State of Hawai'i**

February 2, 2021

**RE: S.B. 48, RELATING TO SEX TRAFFICKING.**

Chair San Buenaventura, Vice Chair Ihara, and 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 support of S.B. 48, with amendments.

The purpose of S.B. 48 is to provide protection for victims of sex trafficking by strengthening and providing clarification to Hawaii’s sex trafficking laws. First, the Department supports adding the term “coercion” as a means of advancing prostitution. As currently written, Section 712-1202(a), Hawaii Revised Statutes (“HRS”), prohibits “advancing prostitution...by force, threat, fraud or intimidation,” but there have been instances when our courts indicated that a particular set of facts did not fit within these existing definitions. One such example was a victim who 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 federal law, 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. And because the term “coercion” is not otherwise defined in the HRS, the Committee may also wish to consider all or part of the federal definition of coercion:

(3) COERCION. The term “coercion” means—



- (A) threats of serious harm to or physical restraint against any person;
- (B) any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
- (C) the abuse or threatened abuse of the legal process

22 U.S. Code §7102(3)(a). Federal law also includes “abuse or threatened abuse of the legal process” [22 U.S. Code §7102(1)] in its definition, but this is likely already encompassed under Hawaii’s inclusion of the terms “threat” or “intimidation.”

Looking to S.B. 48, page 4, lines 18-19, the Department suggests removing “(4) Consent to sexual conduct shall not constitute a defense to a violation of this section,” as the current statute appears to be targeting the offender’s behavior, not the minor’s. In addition, because minors are not capable of consenting to sell themselves, this subsection appears to be inconsequential to the section.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of S.B. 48, with amendments. Thank you for the opportunity to testify on this matter.



## SB 48, RELATING TO SEX TRAFFICKING

FEBRUARY 2, 2021 · SENATE HUMAN SERVICES  
COMMITTEE · CHAIR SEN. JOY A. SAN  
BUENAVENTURA

**POSITION:** Strong support.

**RATIONALE:** Imua Alliance **strongly supports and suggests an amendment for SB 48,** relating to sex trafficking, which includes coercion as a means of committing the offense of sex trafficking, removes the criminal statute of limitations for sex trafficking and promoting prostitution, designates solicitation of a minor for prostitution as a form of sex trafficking, specifies that sex trafficking of a minor is a strict liability offense, and repeals the offense of solicitation of a minor for prostitution.

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 this measure's effort to increase sanctions for sex buyers who prey upon our keiki. **Hawai'i's prohibition of solicitation of a minor for prostitution under HRS §712-1209.1 does not align with 22 U.S. Code Chapter 78, the Trafficking Victims Protection Act, which makes soliciting a minor for prostitution a form of sex trafficking.** Designating soliciting a minor for

prostitution a form of sex trafficking, as this bill does, will ensure that sex buyers who finance the commercial sexual exploitation of children are held fully accountable for the trauma they cause.

This, alone, would be a tremendous step forward in our state's anti-trafficking code. Currently, HRS §712-1209.1 fails to properly identify child victims of sexual exploitation as victims of sex trafficking, impairing their ability to receive trauma-informed services that are reserved for survivors of sex trafficking. It also fails to hold sex buyers fully responsible for this trauma under the stricter penalties encapsulated in our state's sex trafficking section under HRS §712-1202, which makes sex trafficking a class A felony.

Furthermore, **the crime of “solicitation of a minor for prostitution” legally attaches the term “prostitute” to child victims of HRS §712-1209.1**, which contradicts the modern legal and victim services perspective of eliminating statutory references that directly or inadvertently label children as prostitutes, a designation that can produce a long-lasting social stigma that impedes a victim's ability to receive housing, education, scholarships, employment, and other services necessary to successfully recover from the prolonged trauma of sexual exploitation. **There is no such thing as a child prostitute. Instead, children found in the commercial sex trade should be automatically designated as sex trafficking victims.**

**Federal law has long recognized soliciting a child for prostitution as a form of sex trafficking under the Trafficking Victims Protection Act**, which defines child sex trafficking as the “recruitment, harboring, transportation, provision, obtaining, patronizing, or *soliciting* of a minor for the purpose of a commercial sex act.” Thus, we strenuously encourage the committee to move the important elements of HRS §712-1209.1 into HRS §712-1202, including language allowing law enforcement to perform undercover sting operations, ensuring that the state of mind requirement for trafficking a minor does not apply to the minor's age (making sex trafficking of minors a strict liability offense), and eliminating consent to sexual conduct as a defense to sex trafficking (a defense we sadly see used with increasing frequency throughout the United States).

Finally, we fully support 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.

That said, **we urge the committee to amend page 5, lines 7-11 of this bill to read: “Offers or agrees to consideration or the promise of consideration to a minor to engage in sexual conduct; third person pursuant to an understanding that such compensation is in exchange for engaging in sexual conduct with a minor; or member of a police department, a sheriff, or a law enforcement officer who represents that person's self as a minor to engage in sexual conduct.”** This change was made by the Senate Judiciary Committee to HB 2573, HD1, which was last year’s version of this measure. The prohibition on buying sex from minors currently contained in the bill may be too narrow in practice, applying only to minor victims themselves or to members of law enforcement engaging in undercover stings. **In other words, under the current language, sex buyers could only be prosecuted if they pay or agree to pay the minor or a law enforcement officer directly. Sex buyers who pay pimps, traffickers, “mamasans,” or other facilitators of sexual exploitation would not be prosecuted** under the proposed subsection (c), unless it is amended to apply more broadly.

Slavery has no place in paradise. Together, we can end exploitation on our shores.

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

# TESTIMONY

Harm Reduction Hawaii  
c/o 1658 Liholiho St #205  
Honolulu, HI 96822

RE: SB 48 to be heard on Tuesday February 2, at 3PM in conference room 225

## **Strong Opposition**

To the Senate Committee on Human Services

If you are concerned about the welfare of minors in the sex trades in Hawaii please do not support this bill. The only portion that makes any sense is extending the statute of limitations. Unfortunately, there is a whole section aimed at further criminalizing sex purchasers. There is no upside to this policy in terms of addressing the problems faced by youth.

1. No one who is controlling underage workers as a “trafficker” is going to stop their abuse because there is a decline in sex purchasers. They will become more violent when money drops and the people under their control will turn to other crimes, such as theft and drug trafficking, to continue to please them. THIS IS NOT AN ANTI-TRAFFICKING SOLUTION!
2. The Federal definition conflates activities which would not result in the same penalty structure under state law. Under the current HRS a person over age 18 who solicits a minor for prostitution is guilty of a C felony. A person guilty of sex trafficking of a minor must engage in a management sort of role and is subject to an A felony. Sex by an adult more than five years older than a person under age 16 is considered sexual assault in the first degree and subject to an A felony. Under the proposed legislation suggested by SB48 the age of the perpetrator is no longer relevant and all offenses are subject to the 20 year prison term. NO RATIONAL HAS BEEN SUGGESTED AS TO WHY THIS NEEDS TO BE DONE ACCEPT TO ARGUE FALSELY THAT IT WILL PROTECT YOUTH.
3. Information supplied by the apparent authors of this bill is highly questionable. A study by ASU/HSCSW is quoted that is not valid science. It involved running a “normative” advertisement on the internet in which there was no indication of a the sex seller being trafficked or a being minor. It then concluded from the number of phone contacts that there was a vast demand in Hawaii for sex trafficking. Based on the ad used no such conclusion could logically be drawn. The anti-prostitution biases of the authors are entirely evident by anyone who has bothered to read this dubious report. YOU NEED BETTER FACTS. YOU SHOULD LISTEN TO THE MANY PEOPLE IN THE HARM REDUCTION COMMUNITY AND IN LOCAL LAW ENFORCEMENT.
4. Good information and possible reduction in the current harmful environment could be had if the legislature would stop ignoring people who have real experience and look at facts. Most underage sex workers in Hawaii are runaways and not under the control of a trafficker. Most are older teens, not pre-pubescent children. Understanding how the existing social service,

child welfare, and juvenile justice systems, have failed them should be the first step. Attacking what they have turned to as their source of survival income doesn't help them at all.

This bill will mean a man who, knowingly or not, hires a 17 year old for sex is guilty of the same 20 year class A felony as a man who knowingly coerces and abuses a 10 year old girl as a sex slave. How in any definition are these two acts the same crime? By doing away with the age of the perpetrator this new law would mean a 17 year old boy who hires a 17 year old girl for sex would now be a sex trafficker and subject to an A felony. PLEASE HOLD SB48.

For years attempts have been made to educate the legislature on these issues. Many professional people and sex workers who have made themselves available at times the legislature is not in session to help develop good policy. Please do pay some attention to this.

Very Truly Yours;



Tracy Ryan  
Executive Director, Harm Reduction Hawaii  
January 29, 2021

#### Resources

##### Organizations

Hawaii Health and Harm Reduction Center [www.HHHRC.org](http://www.HHHRC.org) is the largest AIDS/STD fighting organization in Hawaii with lots of knowledge and experience with sex industry issues.

The Youth Outreach Project <https://Waikikihc.org> is the principle street outreach organization to wayward youth, runaways, many of them engaged in the sex trades.

The New Zealand Prostitutes Collective [www.NZPC.org](http://www.NZPC.org) is a sex worker organization that successfully lobbied for decriminalization of prostitution nationwide over a decade ago. New Zealand reports a virtual disappearance of sex trafficking.

The Global Alliance Against Traffic in Women [www.GAATW.org](http://www.GAATW.org) is the largest organization of anti-trafficking efforts in the world.

The Bay Area Sex Worker website [www.BaySWAN.org](http://www.BaySWAN.org) has a wealth of links to research and organizations worldwide.

There are many more

##### Academics

Meda Chesney-Lind [meda@hawaii.edu](mailto:meda@hawaii.edu) UH Professor and expert on the crimes of young women.

Nandita Sharma [nsharma@hawaii.edu](mailto:nsharma@hawaii.edu) UH Professor with research on trafficking and immigration

Susan Dewey [sdewey3@uwyo.edu](mailto:sdewey3@uwyo.edu) University of Wyoming Professor with research on street sex work

Alexandra Lutnick [alix.lutnick@gmail.com](mailto:alix.lutnick@gmail.com) San Francisco based researcher expert on minors in the sex trades.

Barbara Brents [barb.brents@unlv.edu](mailto:barb.brents@unlv.edu) UNLV Professor with research on Nevada's legal brothels  
And there are many more.



Executive Director  
Cindy Shimomi-Saito

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Date: February 2, 2021

To: The Honorable Joy San Buenaventura Chair  
The Honorable Les Ihara, Jr., Vice Chair  
Senate Committee on Human Services

From: Cindy Shimomi-Saito, Executive Director  
The Sex Abuse Treatment Center  
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Support of SB 48, Relating to Sex Trafficking.

Hearing: Tuesday, February 2, 2021, Via videoconference

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

The Sex Abuse Treatment Center (SATC) is in **support of SB 48**. This bill includes coercion as a means of committing the offense of sex trafficking, removes the criminal statute of limitations for sex trafficking and promoting prostitution, designates solicitation of a minor for prostitution as a form of sex trafficking, specifies that sex trafficking of a minor is a strict liability offense, and repeals the offense of solicitation of a minor for prostitution.

Sex trafficking—the commercial sexual exploitation of a minor or the coercive commercial sexual exploitation of any person—is a form of modern-day slavery, with significant and often lifelong medical, psychological, and social consequences for victims. Sex trafficking victims can be anyone – this crime has no geographical or demographic boundaries, and victims often face significant challenges in reporting and recovery. In order to combat this, the law must reflect the heinousness of the crime, and as such, we ask that the committee pass SB 48.

Thank you very much for allowing us to provide testimony in support of this important legislation.

Chair San Buenaventura, Vice Chair Ihara Jr., and Members of the Committee on Human Services:

I am writing in strong support of SB753, SB48 and SB409. As a local attorney, a military spouse, a mother of two children and a member of several non-profit and education boards in the community, the issue of Sex Trafficking and the solutions addressed within these bills are important to me and those within my community.

I have personally worked on cases as an attorney in Texas, Arizona, Alabama, and here in Hawaii at the Attorney General's Office in the ICAC (Internet Crimes Against Children) unit. It was in those very spaces that we saw the need to make the changes proposed within these bills:

- (1) Remove statute of limitations for sex trafficking;
- (2) Add "coercion" to the definition of sex trafficking;
- (3) Remove the offense of "solicitation of a minor for prostitution" AND place the actions currently under this offense into the "sex trafficking" statute;  
and
- (4) Make sex trafficking of a minor a strict liability offense.

These three bills (SB753, SB48 and SB409) address the current deficiencies in our sex trafficking statutes and bring them in line with the federal statutes and the vast majority of other state statutes. Thank you in advance for your consideration!

Sincerely,  
Melissa Rueschhoff, Esq.

**SB-48**

Submitted on: 1/31/2021 5:14:21 PM

Testimony for HMS on 2/2/2021 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cathy lee	Individual	Support	No

Comments:

By definition, coercion is persuading someone to do something by using force or threats. One's will and intent becomes irrelevant in the eyes of law because we fail to understand the psychology of all participants. This bill is the right step in finally understanding the powers of abuse at play. Femme presenting individuals live in constant fear of being attacked, assaulted, harassed. The person forcing the other should be the one held liable in the eyes of the law.

Soliciting a minor for any kind of sexual activity should be illegal. And the adults involved should always be the ones held liable.

**SB-48**

Submitted on: 1/31/2021 5:36:44 PM

Testimony for HMS on 2/2/2021 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Glenn Nagao	Individual	Support	No

Comments:

I am writing in support of SB48. Given the vulnerability of minor's, coercion should absolutely be considered when it comes to child sexual abuse and sex trafficking.

One of the most challenging things is that over 90% of the abusers are someone that kids know and trust, so there's a lot of consequences in unresolved trauma in sexual abuse that prevents victimized children from coming forward immediately after being abused. Adults abusing this authority should not go unpunished. And given the psychological impact these actions can cause, the statute of limitations should be lifted to ensure that these individuals have the time necessary to process the trauma with the proper support.

If we are trully committed to protecting our keiki, this bill should be passed.

**SB-48**

Submitted on: 2/1/2021 9:17:12 AM

Testimony for HMS on 2/2/2021 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Barbara J. Service	Individual	Support	No

Comments:

I encourage your strong support of SB 48, Relating to Sex Trafficking.

Barbara J. Service MSE (ret.)

**SB-48**

Submitted on: 2/1/2021 10:42:54 AM

Testimony for HMS on 2/2/2021 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sarah Kinzer	Individual	Support	No

Comments:

This bill is long overdue to protect the most vulnerable citizens. There should be unanimous support for any measure strengthening Hawaii's laws regarding sex trafficking/solicitation of minors.