

STAND. COM. REP. NO. 2894

Honolulu, Hawaii

MAR 01 2024

RE: S.B. No. 2757
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2757 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to align the State's sex trafficking laws with federal law by making the commercial sexual exploitation of a minor a form of sex trafficking.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Department of the Prosecuting Attorney of the County of Maui, Stonewall Caucus of the Democratic Party of Hawai'i, Hawai'i Youth Services Network, Imua Alliance, St. Michael the Archangel Church, Hawaii Workers Center, and thirty-nine individuals.

Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that existing state law does not identify soliciting a minor for prostitution as a form of sex trafficking. However, under title 18 United States Code section 1591, federal law recognizes offering to engage in sexual activity with a minor for anything of value as a form of sex trafficking. Laws that target the solicitation of minors for sex trafficking



have proven to be effective in reducing the demand for sexual exploitation that provides the financial incentive for the commercial sex trade, without relying on criminal systems that often misidentify, retraumatize, penalize, stigmatize, or incarcerate sex trafficking victims. This measure sends a clear message that the State is committed to protecting the rights and well-being of all individuals, especially the State's most vulnerable populations.

Your Committee has amended this measure by:

- (1) Clarifying that all of the newly-added criteria for sex trafficking require the offender to be older than eighteen years of age;
- (2) Clarifying that a person is strictly liable with respect to the attendant circumstance that the victim was a minor when committing the offense of intentionally, knowingly, or recklessly providing anything of value to a minor or third person as compensation for having engaged in sexual conduct with a minor;
- (3) Deleting language that would have:
 - (A) Included the newly-added criteria for sex trafficking as a condition for being a habitual commercial sexual exploitation offender; and
 - (B) Made habitual commercial sexual exploitation a class A felony if the instant offense was one of the newly-added criteria for sex trafficking; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2757, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2757, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



