

JAN 19 2023

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 children in the
2 State are vulnerable to sex trafficking and commercial sexual
3 exploitation. Foster children and runaways having histories of
4 abuse and neglect are at particularly high risk. Other highly
5 vulnerable groups include LGBTQ+ youth, immigrants, undocumented
6 workers, and youth suffering from mental illnesses and substance
7 abuse issues. Victims are often lured into sex trafficking
8 through traffickers' use of emotional manipulation and control,
9 force, fraud, or threats. Moreover, sexually exploited children
10 often do not have the ability or resources to escape and start a
11 new life.

12 The legislature recognizes that, in the last decade, the
13 commercial sexual exploitation of children has garnered greater
14 attention in Hawaii and throughout the United States. The
15 department of human services has received an increasing number
16 of hotline calls involving witnesses or victims of child sex
17 trafficking. However, because child sex trafficking is covert,



1 it is difficult to accurately measure the scope of the problem,
2 and exploited youth do not necessarily identify themselves as
3 victims.

4 The legislature further finds that, in order to adequately
5 serve children who have been sexually exploited, a statewide
6 human trafficking program is needed to develop and utilize
7 comprehensive interagency case management strategies, protocols,
8 and a multi-disciplinary response that is both victim-centered
9 and offender-focused. It is the intent of the legislature that
10 the department of the attorney general will provide leadership
11 in addressing both the commercial sexual exploitation of
12 children and the broader issue of human trafficking.

13 Accordingly, the purpose of this Act is to require the
14 department of the attorney general to:

- 15 (1) Address the needs of victims of human trafficking
16 through the development and implementation of a
17 statewide human trafficking prevention program; and
18 (2) Report to the legislature on the State's efforts to
19 address human trafficking and the commercial sexual
20 exploitation of children.



1 SECTION 2. Chapter 28, Hawaii Revised Statutes, is amended
2 by adding a new part to be appropriately designated and to read
3 as follows:

4 "PART . HUMAN TRAFFICKING PREVENTION PROGRAM

5 §28- Definitions. As used in this part:

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

7 "Commercial sexual exploitation of children" means any
8 sexual activity involving a child for the exchange or promise of
9 anything of value by any person.

10 "Human trafficking" includes "severe forms of trafficking
11 in persons", as defined in title 22 United States Code section
12 7102(11), and "sex trafficking", as defined in section 712-1202
13 and title 22 United States Code section 7102(12).

14 §28- Human trafficking prevention program. (a) The
15 department of the attorney general shall develop and implement a
16 program to prevent, and to assist victims of, human trafficking.
17 The program shall:

18 (1) Assess the current needs of the State's
19 anti-trafficking response and:

20 (A) Develop a statewide strategy to prevent human
21 trafficking; and



1 (B) Develop a plan to provide increased support and
2 assistance to victims of human trafficking and
3 victims of the commercial sexual exploitation of
4 children;

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

8 (3) Promote public awareness of:

9 (A) Human trafficking and the commercial sexual
10 exploitation of children;

11 (B) The availability of services for victims of human
12 trafficking; and

13 (C) The availability of state and national hotlines
14 for victims and witnesses;

15 (4) Produce and maintain informational materials,
16 including a website, on:

17 (A) The prevention of human trafficking and the
18 commercial sexual exploitation of children; and

19 (B) The availability of public resources for victims
20 and witnesses;



1 (5) Develop and provide comprehensive training on ways in
2 which to prevent, identify, and address human
3 trafficking and the commercial sexual exploitation of
4 children; and

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

7 (b) The department of the attorney general shall submit a
8 report to the legislature no later than twenty days prior to the
9 convening of the regular session of 2024 on the State's efforts
10 to address the commercial sexual exploitation of children; and
11 shall submit a report to the legislature no later than twenty
12 days prior to the convening of the regular session of 2025 on
13 the State's efforts to address human trafficking. Each report
14 shall include:

15 (1) Plans to assist county and state agencies in
16 identifying and responding to victims;

17 (2) Best practices used in other states to identify and
18 serve victims;

19 (3) A comprehensive evaluation of applicable programs and
20 services currently offered by the State;

21 (4) Strategies for public outreach and education;



- 1 (5) An assessment of barriers that inhibit law enforcement
2 agencies, service providers, government agencies, and
3 nongovernmental organizations in the State from
4 supporting victims and holding offenders accountable;
- 5 (6) A review of criminal statutes in chapter 712 on
6 prostitution and sex trafficking;
- 7 (7) Plans for a training program for educators, community
8 members, members of law enforcement entities, and
9 mandatory reporters of child abuse, including an
10 outline of the training content and an assessment of
11 whether mandatory training is required and in what
12 intervals;
- 13 (8) Statewide assessment tools that may be used by first
14 responders, medical professionals, and service
15 providers to identify victims;
- 16 (9) Plans for prevention strategies that mitigate the risk
17 factors for victims and offenders;
- 18 (10) Recommendations for enhancing statewide collaboration
19 and coordination through multidisciplinary teams,
20 committees, and task forces;



- 1 (11) An analysis of the existing data regarding
- 2 trafficking, which may include but shall not be
- 3 limited to the following:
- 4 (A) Data specific to the commercial sexual
- 5 exploitation of children, including:
- 6 (i) The number of reports to state and national
- 7 hotlines alleging the sexual trafficking of
- 8 a child;
- 9 (ii) The total number of children suspected to be
- 10 victims of sex trafficking, including
- 11 demographic information and information on
- 12 whether each child was previously served by
- 13 the department of the attorney general or by
- 14 the department of human services;
- 15 (iii) The total number of children confirmed to be
- 16 victims of sex trafficking, including
- 17 demographic information and information on
- 18 whether each child was previously served by
- 19 the department of the attorney general or by
- 20 the department of human services;

- 1 (iv) Data collected by state-contracted service
- 2 providers, including the types and aggregate
- 3 costs of services provided to children who
- 4 are suspected or confirmed victims of sex
- 5 trafficking, the number of children
- 6 receiving each type of service, and the
- 7 total number of new children and families
- 8 served through these service providers; and
- 9 (v) The number of prosecutions and convictions
- 10 in the State, delineated by county, for
- 11 crimes related to human trafficking or the
- 12 commercial sexual exploitation of children;
- 13 (B) Data specific to sex and labor trafficking;
- 14 (C) The identification of any gaps in the State's
- 15 ability to collect data; and
- 16 (D) Recommendations for improving data collection and
- 17 data sharing among service providers,
- 18 non-governmental organizations, and government
- 19 agencies, including law enforcement agencies; and
- 20 (12) Any proposed legislation.



1 (c) The department of the attorney general may submit
2 additional reports to the legislature providing data, status
3 updates, and recommendations, as determined by that department.

4 (d) Every public official and state and county department
5 shall render all necessary assistance and cooperation within the
6 official's or department's jurisdictional power to share
7 information and to assist the program in carrying out its duties
8 under this part."

9 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Michelle N. Tidani



S.B. NO. 235

Report Title:

Attorney General; Commercial Sexual Exploitation of Children;
Human Trafficking; Prevention; Victim Assistance

Description:

Establishes a statewide prevention program overseen by the Department of the Attorney General to provide services and assistance to commercially sexually exploited children and to victims of human trafficking. Requires reports to the Legislature.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

