

JAN 20 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 sex trafficking is a
2 form of modern-day slavery. According to a 2018 report
3 published by Arizona State University and Hawaii state
4 commission on the status of women, it is estimated that one of
5 every eleven adult male residents of Hawaii are online sex
6 shoppers. The report also estimated that there were 74,362
7 potential sex buyers in Hawaii. Moreover, Imua Alliance, a
8 victim service provider for survivors of sex trafficking and
9 sexual violence, estimates that one hundred fifty establishments
10 participate in the commercial sex trade in the State, increasing
11 the high risk for sex trafficking. During the COVID-19
12 pandemic, a service provider for sex trafficking victims in
13 Hawaii reported seeing a three hundred per cent increase in
14 demand for services.

15 The legislature additionally finds that Native Hawaiians
16 and Pacific Islanders are disproportionately overrepresented in
17 the State's sex trafficking survivor population. In a survey



1 conducted by the Hawaii state commission on the status of women
2 and Arizona State University, sixty-four per cent of individuals
3 identified as victims of sexual exploitation possessed at least
4 partial Native Hawaiian ancestry. According to the report,
5 "[t]he overutilization of Native Hawaiians to meet sex buyer
6 demand may be directly linked to structural economic coercion
7 and vulnerabilities connected to land dispossession, exposure to
8 sexual violence, hypersexualization, incarceration, cultural
9 dislocation, intergenerational trauma, mental and emotional
10 distress, racism, poverty, and ongoing inequities".

11 Accordingly, the purpose of this Act is to support
12 survivors of sex trafficking by converting the human trafficking
13 services fund to a human trafficking reparations fund to provide
14 direct financial assistance to survivors of sex and labor
15 trafficking.

16 SECTION 2. Section 706-650.5, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§706-650.5 Human trafficking [~~victim services~~**
19 **reparations fund.** (1) In addition to any disposition
20 authorized by chapter 706, any individual who is:



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1 (a) Convicted of an offense under part VIII of chapter
2 707; or

3 (b) Convicted of an offense under part I of chapter 712;
4 shall be ordered to pay a fee under subsection (2).

5 (2) Fees for individuals subject to subsection (1) shall
6 not exceed the following:

7 (a) \$5,000 when the offense is a class A felony;

8 (b) \$2,500 when the offense is a class B felony;

9 (c) \$1,000 when the offense is a class C felony;

10 (d) \$500 when the offense is a misdemeanor; or

11 (e) \$250 when the offense is a petty misdemeanor.

12 (3) There is established within the state treasury a
13 special fund to be known as the human trafficking [~~victim~~
14 ~~services~~] reparations fund to be administered by the department
15 of [~~labor and industrial relations.~~] human services. The
16 disbursement of money from the human trafficking [~~victim~~
17 ~~services~~] reparations fund shall be used to [~~supplement~~
18 ~~programs, grants, or purchase of service contracts that support~~
19 ~~or provide comprehensive services to victims of labor~~
20 ~~trafficking crimes under part VIII of chapter 707, or victims of~~
21 ~~trafficking related to crimes under part I of chapter 712.~~



1 ~~Moneys in the special fund shall be used for new or existing~~
2 ~~programs, grants, or purchase of service contracts and shall not~~
3 ~~supplant any other moneys previously allocated to these~~
4 ~~programs, grants, or purchase of service contracts.] provide~~
5 direct financial assistance to victims of labor trafficking
6 crimes under part VIII of chapter 707 and victims of trafficking
7 related to crimes under part I of chapter 712, which may include
8 but not be limited to assistance with housing, health care,
9 mental health services, child care, educational and occupational
10 programs, transportation, or direct cash payments.

11 (4) All fees paid and interest accrued on funds collected
12 pursuant to this section shall be deposited into the human
13 trafficking [~~victim services~~] reparations fund.

14 (5) When a defendant is ordered to make payments in
15 addition to the human trafficking [~~victim services~~] reparations
16 fee authorized under subsection (2), payments by the defendant
17 shall be made pursuant to section 706-651.

18 (6) The department of human services shall establish a
19 process through which victims of labor trafficking crimes under
20 part VIII of chapter 707 and victims of trafficking related to



1 crimes under part I of chapter 712 may request financial
2 assistance from the human trafficking reparations fund.

3 ~~[(6)]~~ (7) The department of ~~[labor and industrial~~
4 ~~relations]~~ human services shall submit to the legislature no
5 later than twenty days prior to the convening of each regular
6 session a written annual report that provides the following:

7 (a) An accounting of the receipts of and expenditures from
8 the human trafficking ~~[victim services]~~ reparations
9 fund; and

10 (b) Any recommendations to improve support of and services
11 to victims of labor trafficking crimes under part VIII
12 of chapter 707, or victims of trafficking related to
13 crimes under part I of chapter 712."

14 SECTION 3. Section 706-651, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~{}~~**\$706-651**~~{}~~ **Payments by defendant; order of priority.**

17 When a defendant is ordered to make payments pursuant to
18 chapters 351, 706, 846F, and 853, or as otherwise provided by
19 law, payments shall be made in the following order of priority:

20 (1) Restitution;

21 (2) Crime victims compensation fee;



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- 1 (3) Probation services fee;
- 2 (4) Human trafficking [~~victim services~~] reparations fee;
- 3 (5) Other fees, including but not limited to internet
- 4 crimes against children fee and drug demand reduction
- 5 assessment fee;
- 6 (6) DNA analysis monetary assessment; and
- 7 (7) Fines."

8 SECTION 4. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon its approval.

14

INTRODUCED BY: _____



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Report Title:

Human Trafficking Reparations Fund; Trafficking Victims;
Financial Assistance

Description:

Converts the human trafficking victim services fund to a human trafficking reparations fund. Revises the purposes for the monies in the fund to provide direct financial assistance to victims of trafficking.

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

