

Honolulu, Hawaii

FEB 26 2010

RE: S.B. No. 2045
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 2045 entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this measure is to establish class A, B, and C felony sexual human trafficking offenses and class A, B, and C felony labor trafficking offenses, and provisions related to prosecution of the offenses.

Testimony in support of the measure was submitted by one neighborhood board, four private organizations, and twenty-five individuals. Testimony in opposition to the measure was submitted by one state agency, two county agencies, and one private organization. Comments were submitted by one state agency, one county agency, and one private organization. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that internationally, human trafficking is an enormous civil rights problem that appears to be growing exponentially, even with the best efforts of the federal government and the international community. While the life stories and statistics related in testimony are appalling, the task of your Committee is to craft legislation that works within the existing Penal Code and to determine how the trafficking offenses established under the measure as received fit within this context.



Testimony made clear that the primary focus of concern is young teenage girls in the State being lured or forced into prostitution. Testimony in support of the measure indicates that the existing laws penalizing conduct relating to prostitution may be inadequate to reach traffickers or may stigmatize the trafficking victims by labeling them as prostitutes and, thus, criminals in their own right, rather than recognizing them as victims. By focusing the proposed legislation on sexual human trafficking, the primary concern of those testifying in support, rather than attempting to also address the problem of labor trafficking, the emphasis can stay squarely on the sexual human trafficking victims.

Your Committee has amended this measure by:

- (1) Deleting the purpose section of the measure;
- (2) Removing the offense of sexual human trafficking in the third degree;
- (3) Removing the labor trafficking offenses;
- (4) Renaming the new part "Sexual Human Trafficking";
- (5) Removing the mandatory minimums for trafficking underage victims, as those provisions eliminate the discretion of sentencing judges; your Committee believes that the sentencing under the new offenses should be reviewed at a later time to determine if mandatory minimums are necessary or desirable;
- (6) Inserting an effective date of July 1, 2050, to ensure further discussion regarding this measure, specifically including the elements of the crimes enumerated therein; and
- (7) Making technical, nonsubstantive amendments for purposes of consistency, style, and clarity.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2045, as amended herein, and recommends that



it pass Second Reading in the form attached hereto as S.B.
No. 2045, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,


BRIAN T. TANIGUCHI, Chair

The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:* SB 2045	Committee Referral: JGO	Date: 2/22/10		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert				✓
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam				✓
TOTAL	4	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

***Only one measure per Record of Votes**