

STAND. COM. REP. NO.

1255

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 1003
H.D. 2
S.D. 2

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1003, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend certain criminal offenses in the Penal Code to include conduct committed against domestic violence victims covered by protective orders or restraining orders;
- (2) Establish class A and class B felonies for labor trafficking offenses, a nonpayment of wages offense, and an unlawful conduct with respect to documents offense; and
- (3) Establish provisions related to prosecution of the new labor trafficking and related offenses.

Your Committee received testimony in support of this measure from the Department of Labor and Industrial Relations Office of Community Services, Equality Now, The Pacific Survivor Center, Polaris Project, IMUAlliance, The Pacific Alliance to Stop Slavery, Hawaii Family Forum, Hawaii Catholic Conference, and eight individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.



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

Your Committee finds that victims of domestic violence and labor trafficking are in need of added protection under Hawaii law. For domestic violence victims, restraining orders or orders from police officers to abusers to leave the premises are intended to remove abusers from the vicinity of domestic violence victims and provide safety. Your Committee believes that domestic violence victims are particularly vulnerable when they attempt to disengage from their abusers and at such time, violence and the threat of violence are at their most extreme levels. By increasing the penalties against abusers in these situations, your Committee believes that violent retaliation may be deterred and may help break victims from the cycle of violence.

For victims of labor trafficking, your Committee understands that while there are federal remedies, federal law enforcement does not investigate small trafficking operations where there are only one or two victims. Recent cases have highlighted that Hawaii is not immune from this type of inhumane treatment of others. Your Committee believes that legislation is appropriate to deal with labor trafficking on the state level but has concerns regarding whether grouping the issues of domestic violence and labor trafficking is the best way to do so. Accordingly, your Committee believes that part II of the measure, pertaining to labor trafficking, should be separated from the provisions relating to domestic violence so that each issue may be addressed on its merits, rather than as part of a package of unrelated matters. Your Committee finds that the provisions of part II of this measure may be inserted into another measure, H.B. No. 141, H.D. 1, so that each issue can be given the attention and thoughtful consideration it deserves.

Therefore, your Committee has amended this measure by:

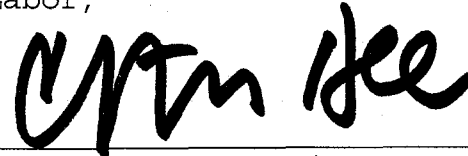
- (1) Deleting part II of the measure, pertaining to labor trafficking; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B.



No. 1003, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B.
No. 1003, H.D. 2, S.D. 2.

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



CLAYTON HEE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB1003, HD2, SD1	Committee Referral: HMS, JDL	Date: 3/31/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Pass, unamended 2312 </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div> <input type="checkbox"/> Hold 2310 </div> <div> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
TOTAL	5			
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature:				
Distribution: <div style="display: flex; justify-content: space-between; font-size: small;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

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