

# TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-SIXTH LEGISLATURE, 2011

#### ON THE FOLLOWING MEASURE:

S.B. NO. 1025, S.D. 1, PROPOSED H.D. 1, RELATING TO THE PENAL CODE.

### BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE:

Tuesday, March 29, 2011 TIME: 3:30 p.m.

LOCATION:

State Capitol, Room 325

TESTIFIER(S): David M. Louie, Attorney General, or

Lance M. Goto, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The Senate Draft No. 1, upon crossover, only contained part I of this proposed House Draft No. 1. The Department takes no position as to part I, and offers testimony as to the proposed parts II and III.

The Department of the Attorney General (The "Department") opposes part II of this bill, relating to the unauthorized entry into a dwelling. While the Department strongly supports the goals of preventing human trafficking and bringing its perpetrators to justice, the Department opposes part III of this bill, regarding labor trafficking, because it seeks to prohibit conduct that is already prohibited under Hawaii law, and it contains numerous other legal problems.

#### PART II: UNAUTHORIZED ENTRY IN A DWELLING

This bill amends section 708-812.6, Hawaii Revised Statutes, which defines the class C felony offense of unauthorized entry in a dwelling, to create an exception to the law. The proposed exception makes it a class B felony if the person lawfully present within the dwelling at the time of the unauthorized entry is 62 years of age or

Testimony of the Department of the Attorney General Twenty-Sixth Legislature, 2011 Page 2 of 7

older, or is incapacitated. The Department opposes part II of this bill for two reasons.

First, the creation of a class B felony offense within the same class C felony law does not follow Hawaii Penal Code statutory construction and will make it difficult, if not impossible, for criminal justice agencies and the Hawaii Criminal Justice Data Center to distinguish between the offenses and track them separately in their systems. Second, the proposed language does not make clear what the offender's requisite state of mind would be with respect to the age or incapacity of the person lawfully present within the dwelling.

#### PART III: LABOR TRAFFICKING

This bill proposes to add to chapter 707 of the Hawaii Revised Statutes, a new part entitled "Labor Trafficking," which includes the two new offenses of labor trafficking in the first degree and labor trafficking in the second degree.

Much of the conduct that this bill seeks to prohibit is already prohibited by existing laws, especially as a result of Act 147, Session Laws of Hawaii (SLH) 2008, which was proposed by the Hawaii Anti-Trafficking Task Force after two years of analysis and discussion. The Task Force was established by the Legislature through Act 260, SLH 2006, as amended by Act 176, SLH 2008, and comprises 27 law enforcement agencies, service providers, and other state agencies and community groups.

Furthermore, the two new labor trafficking offenses do not fit within the existing legislative scheme and are so confusing that it would be more difficult to obtain convictions under these new offenses than under current laws that prohibit the same conduct.

If there is concern that the current penalties for the prohibited conduct are insufficient, then the respective penalty provisions should be amended, but this bill does not do that.

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## Proposed Section 707-A Definitions

The bill defines "labor" and "services" for the new labor trafficking provisions by basically adopting the existing definitions of these terms under section 707-700, Hawaii Revised Statutes. This is a clear indication of the overlap and redundancy of the labor trafficking provisions with existing law. The definition of "labor" is exactly the same, and therefore redundant. The definition of "services," however, is slightly different. This will likely create confusion when the labor trafficking offenses use the new definition, but the offenses incorporated within the labor trafficking offenses, such as extortion and kidnapping, use the general definition of "services," as set out in section 707-700.

# Proposed Section 707-B Labor Trafficking in the First Degree

Proposed section 707-B(1) prohibits a person from knowingly providing or obtaining or attempting to provide or obtain another person for labor or services, by any of the following means:

- (1) Committing the offenses of extortion, kidnapping, unlawful imprisonment, or assault;
- (2) Using force, threat, or intimidation;
- (3) Using deception or false statements to induce or maintain the person to engage in the labor or services;
- (4) Requiring that the labor be performed to pay a debt;
- (5) Withholding government issued identification documents With intent to impede the movement of the person;
- (6) Causing the person to believe that if the person did not perform the labor or services, that the person or a friend or family member would suffer serious harm, financial loss, or physical restraint; or

Testimony of the Department of the Attorney General Twenty-Sixth Legislature, 2011 Page 4 of 7

(7) Using or threatening to use domination, restraint, or control.

This section has many legal issues, is confusing, and will be difficult to enforce and prosecute.

For a conviction for labor trafficking in the first degree, proposed section 707-B(1) requires the commission of specified offenses such as extortion, kidnapping, unlawful imprisonment, or assault. It would be much easier to simply enforce these existing offenses.

The following are just some of the main concerns with proposed section 707-B(1):

- (1) The offense is based on the key phrase, "by any of the following means," but that phrase is vague and ambiguous. It is not clear that any of the specified "means" have to be committed against the person who is being provided or obtained for labor or services. As drafted, the offense could be based on the "means" being committed against someone else.
- (2) The offense of labor trafficking is very similar to extortion, as defined in section 707-764, Hawaii Revised Statutes. One of the specified "means" of committing labor trafficking is the offense of extortion (prohibits obtaining labor or services of another by certain threatening conduct). Extortion, however, uses different terms to describe the prohibited conduct, as well as a different state of mind, from labor trafficking.
- (3) The offense of labor trafficking is very similar to kidnapping, as defined in section 707-720(1)(g), Hawaii Revised Statutes. One of the specified "means" of committing labor trafficking is the offense of kidnapping (prohibits a person from intentionally or knowingly restraining another with intent to unlawfully obtain the

labor or services of that person). Kidnapping, however, uses different terms to describe the prohibited conduct, as well as a different state of mind, from labor trafficking.

- (4) The "means" of unlawful imprisonment is confusing, and appears unnecessary, as the prohibited acts of restraint are already covered by the offense of kidnapping.
- (5) The "means" of "force, threat, or intimidation" involves vague and undefined terms that are confusing and possibly redundant, as "force" may be covered by kidnapping or assaultive conduct, and "threat" or "intimidation" may be covered by extortion.
- (6) The "means" involving "deception," "fraud," and "false statements" to induce or "maintain" a person to engage in labor or services is overly broad, vague, and ambiguous, and should not, by themselves, be the basis for the offense. Theft of services or obtaining services through deception, is already prohibited by section 708-830(4), Hawaii Revised Statutes.
- (7) The "means" requiring that labor be performed to repay a debt is flawed, as the term "requiring" is vague, and there probably needs to be a threat associated with the act of "requiring" the repayment through labor. If there were such a threat, then there probably would be a violation of the existing extortion law.
- (8) The "means" of withholding a person's government-issued identification documents is already prohibited under the offense of unauthorized possession of confidential personal information, section 708-839.55, Hawaii Revised Statutes. If the offender merely threatens to withhold the identification documents to secure the other person's labor or services, then the offender would likely violate

Testimony of the Department of the Attorney General Twenty-Sixth Legislature, 2011 Page 6 of 7

the existing extortion law.

- (9) The "means" of obtaining labor of services from a person by threatening to cause harm, financial loss, or physical restraint to the person's family or friends is already prohibited by the existing extortion law.
- (10) The "means" of "using or threatening to use any form of domination, restraint, or control" is vague and ambiguous, and likely redundant with the prohibitions under existing extortion, kidnapping, and assault offenses.

# Proposed Section 707-C Labor Trafficking in the Second Degree

This section also contains confusing provisions with a number of legal problems.

Section 707-C(1)(a) prohibits a person from aiding another in a venture knowing that the other person in the venture is committing the offense of labor trafficking in the first degree. Therefore, all of the issues raised regarding the first degree offense apply to this subsection as well. The term "aid another" is vaque and Furthermore, the offense does not require any nexus or connection between the venture and the labor trafficking offense. Although the person, while aiding another in the venture in some way, may not have anything to do with the offense of labor trafficking, that person will still be held liable for it if the person knows that the offense is being committed. It will probably be difficult, if not impossible, for the prosecution to prove that the person knew all of the elements of the offense of labor trafficking in the first degree were being committed by the other person.

Section 707-C(1)(b) prohibits a person from benefitting, "financially or by receiving something of value," from participation in a venture knowing or in reckless disregard of the fact that another person has engaged in any act in violation of subsection (a) 412804 LDOC

Testimony of the Department of the Attorney General Twenty-Sixth Legislature, 2011 Page 7 of 7

in the course of that venture. This subsection raises the same issues addressed about subsection (a) and the offense of labor trafficking in the first degree. It is also confusing. The following is an attempt to describe its application:

Person A would commit the offense if A benefits from participation in a venture, knowing that person B has aided person C in the venture, with B knowing that C has committed labor trafficking in the first degree.

Clearly, applying this law to gain a conviction will be difficult to impossible.

Section 707-C(2) makes labor trafficking in the second degree a class B felony offense, provided that:

[I]f a violation of subsection (1) involves kidnapping or an attempt to kidnap, aggravated sexual abuse or the attempt to commit aggravated sexual abuse, or an attempt to cause the death of a person, or if a death results, the offense shall be a class A felony.

It should be noted that there is no offense of "aggravated sexual abuse" under Hawaii law. Furthermore, if the offense involves causing or attempting to cause a person's death, then the offense of murder or manslaughter would be the more appropriate offense.

The Department reserves comment on the other proposed labor trafficking sections in part III of this bill.

### CONCLUSION

The Department opposes part II of the bill, and while strongly supporting the goals of preventing human trafficking and bringing its perpetrators to justice, the Department opposes part III of this bill, the labor trafficking provisions, and based on the legal issues discussed above, respectfully requests that parts II and III be deleted from this measure.

**DWIGHT TAKAMINE** DIRECTOR

MIT ISSUICHY

#### STATE OF HAWAII DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS OFFICE OF COMMUNITY SERVICES

HONOLULU, HAWAII 96813 www.hawaii.gov/labor Phone: (808) 586-8675 / Fax: (808) 586-8685 Email: dlir.ocs@hawaii.gov

830 PUNCHBOWL STREET, ROOM 420

March 29, 2011

To:

The Honorable Gilbert S.C. Keith-Agaran, Chair

House Committee on Judiciary

Date:

Tuesday, March 29

Time:

3:30 p.m.

Place:

Conference Room 325, State Capitol

From:

Mila Kahaanui, Executive Director

Office of Community Services

Department of Labor and Industrial Relations

# TESTIMONY IN STRONG SUPPORT

## Re: S.B. 1025-Relating to the Penal Code

Good Afternoon Chair Keith-Agaran, Vice Chair Rhoads, and committee members. My name is Lola Salimova, State Refugee Coordinator, of the Office of Community Services (OCS), an agency administratively attached to the Department of Labor and Industrial Relations (DLIR). We appreciate this opportunity to testify in support of this measure.

The Office of Community Services is charged, in part under HRS 371-K-1, to "improve the delivery of services to disadvantaged persons, refugees, and immigrants." Additionally, under HRS 371-K-3, OCS is charged to "Assess the policies and practices of public and private agencies impaction on the disadvantaged and conduct advocacy efforts on behalf of the disadvantaged, refugees, and immigrants."

The measure before you today is one important piece of a greater conversation regarding the issue of Human Trafficking. OCS is not an enforcement agency however we believe our participation in this process as a human service provider for the victims of these heinous acts is absolutely necessary.

OCS supports any effort to create statute that will act as leverage for our enforcement and prosecuting agencies to punish these crimes. The phenomenon of human trafficking is becoming increasingly complex and perpetrators of these crimes increasingly devious. Hawaii is one of

five states without such leverage, yet we are uniquely positioned in the middle of the Pacific and act as a hub for shipping traffic around the Pacific Rim as well as Asia. Laws are desperately needed to help prevent Hawaii from becoming a major depot for what is widely recognized as an international problem.

In studying this issue, no one will argue there are crimes being committed. It is the opinion of certain groups that Human Trafficking is no more than the sum of extortion, kidnapping, slavery, prostitution, and many other crimes we have existing laws for. However, just as many other white collar crimes, conspirators and masterminds are charged and punished at a much higher level than those carrying out the individual deeds. OCS agrees with the author of this bill that, like the will of the people is more than each individual Legislator's vote, Trafficking is a planned, organized, and coordinated effort that should be punishable above and beyond the sum of its individual parts.

The Federal Government has made their intent clear by codifying such statutes and affording the victims of these crimes a specific legal status with specific services and appropriations. An effort by the State to put this mechanism into place will recapitulate the intent of the Federal government and other nations to recognize this challenge.

OCS' purpose, however, is confined to the provision of integration and other human services to Immigrant and Refugee victims after the adjudication process is complete. With this in mind, we will testify specifically on four issues:

- 1) Restitution- Any monetary compensation received by the individuals is not only fair, but will assist in the reintegration of each victim and defrayal of placement costs borne by the State and Federal Governments
- 2) Non-Payment of wages- Although we will defer to the Wage Standards Division regarding correct amount of payment, we agree leverage and guarantees should be provided that will allow victims access to the assets of any guilty party
- Minimum Wages- Again, OCS must defer to the DLIR regarding correct implementation of the Fair Labor Standards Act, but supports this concept for the reasons above
- 4) Unlawful conduct with respect to documents-OCS highly supports this provision. In our experience with the immigrant, migrant, and refugee population, undocumented aliens or even legal immigrants without documentation experience many difficulties relating to access to services or even freedom to travel as they please. The withholding of documents and the accuracy of documents carried and presented by victims is of extreme importance in qualifying these victims for services.

We will defer to the Attorney General's office and the respective County enforcement agencies to comment on the ramifications of implementing, enforcing, and adjudicating such programs.

OCS continues to be involved with the clients after the adjudication process, and would appreciate a mechanism to coordinate between the respective District and Circuit courts to refer affected victims to appropriate services. We are also actively seeking grants through such agencies as the Federal Office of Refugee Resettlement and the United States Department of Justice, Office of Victims of Crime to provide quality integration for these victims.

Thank you for the opportunity to testify.



ROBERT M. SHIMADA DEPUTY CHIEF

# COUNTY OF MAUI DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD KAHULUI, MAUI, HAWAII 96732 (808) 270-7561 FAX (808) 270-7919 EMAIL: fire.dept@mauicounty.gov

March 29, 2011

The Honorable Gilbert Keith-Agaran, Chair Committee on Judiciary House of Representatives State Capitol, Room 302 Honolulu, Hawaii 96813

Dear Chair Keith-Agaran:

Subject: S.B. 1025, S.D. 1, Proposed H.D. 1 Relating to the Penal Code

I am Jeffrey A. Murray, Fire Chief of the County of Maui, Department of Fire & Public Safety (MFD) and a member of the State Fire Council (SFC). The MFD and the SFC support the original intent of S.B. 1025, S.D. 1, which proposes to expand the offenses of assault against a law enforcement officer in the first and second degree to include assaults against fire fighters and water safety officers.

The proposed H.D. 1 creates a class B felony for unauthorized entry into a dwelling based on the occupant's age and incapacity. It also establishes class A and B felony labor trafficking offenses, a nonpayment of wages offense, and an unlawful conduct with respect to documents offense and provisions related to prosecution of the offenses.

Fire fighters are public safety employees who respond to medical, fire, hazardous materials, and rescue incidents and are responsible to protect and render aid to citizens from these dangerous situations. Unfortunately, a few individuals have used physical violence against fire fighters during the performance of their official duties.

The current penalty for the use of such force is a misdemeanor. This measure proposes to increase that penalty to a Class C felony, which would make this offense equal to the penalty of assault against law enforcement and emergency medical service personnel, nurses, and physicians. It is the intent of this measure to curtail assaults on fire fighters with a more severe penalty and provide protection for fire fighters who encounter physical violence in the performance of their duties. Fire fighters must not be placed in compromising situations that may delay their life-saving actions.

The MFD and the SFC urge your committee's support on the passage of S.B. 1025, S.D. 1.

The Honorable Gilbert Keith-Agaran, Chair Page 2 March 29, 2011

Should you have any questions, please call SFC Administrator Socrates Bratakos at 723-7151.

Sincerely,

EFFREY A. MURRAY

Fire Chief

DATE: 3/28/2011

ATTN: COMMITTEE ON JUDICIARY

Rep. Gilbert S.C. Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Rep. Tom Brower

Rep. Rida T.R. Cabanilla

Rep. Mele Carroll

Rep. Robert N. Herkes

Rep. Ken Ito

Rep. Sylvia Luke

Rep. Angus L.K. McKelvey

Rep. Blake K. Oshiro

Rep. Joseph M. Souki

Rep. Clift Tsuji

Rep. George R. Fontaine

Rep. Barbara C, Marumoto

Rep. Cynthia Thielen

HEARING DATE:

Tuesday, March 29, 2011

**HEARING PLACE:** 

Conference Room 325 - State Capitol - 415 South Beretania Street

TIME: 3:30PM

RE: SB1025 RELATING TO THE PENAL CODE.

PROPOSED HD1: Expands the offenses of assault against a law enforcement officer in the first and second degree to include assaults against firefighters and water safety officers. Creates a class B felony for unauthorized entry in a dwelling based on occupant's age and incapacity. Establishes class A and B felony labor trafficking offenses, a nonpayment of wages offense, and an unlawful conduct with respect

to documents offense. Establishes provisions related to prosecution of the offenses. Effective 1/7/2059. (SB1025 SD1 HD1 Proposed)

Dear Committee on Judiciary:

Aloha! The rise in Human Trafficking among international and domestic trafficked persons is increasing as Hawaii is now 1 of 5 states in the nation that has not passed local legislation making it all too easy for victims of this modern-day slavery to fall through the cracks of our justice system as they are mistakenly seen as "illegal immigrants."

Hawaii has also recently been implicated in a federal investigation of the largest labor-trafficking case in U.S. history involving more than 400 victims. (Global Horizons1).

Existing laws are non-existent to deter Labor-Trafficking while protecting victims. Effective deterrents require bringing traffickers who exploit trafficked persons, to justice.

The lack of legal definition in our Hawaii criminal statutes creates a reluctance in the implementation of adequate services and facilities in Hawaii to meet the needs of trafficking victims in terms of health care, housing, education, medical services, and legal assistance-- services which safely support the recovery and ability of trafficked persons to regain control of their lives and also to assist with the prosecution of traffickers.

In order to deter Human Trafficking, Hawaii must recognize that Human Trafficking is a serious offense. This can be simply accomplished by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting, rather than punishing, the victims of these offenses.

Please pass SB1025. Mahalo!

Sincerely,

Rachel Pfund

# 1Global Horizon's Case

http://www.civilbeat.com/articles/2010/09/02/4084-largest-human-trafficking-case-in-us-history-filed-in-honolulu/

DATE:

ATTN: COMMITTEE ON JUDICIARY

Rep. Gilbert S.C. Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Rep. Tom Brower

Rep. Rida T.R. Cabanilla

Rep. Mele Carroll

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HEARING PLACE: Conference Room 325 - State Capitol - 415 South Beretania Street

TIME: 3:30PM

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EMAIL: LABTestimony@Capitol.hawaii.gov

FAX: 586-6331 (Oahu) or 1-800-535-3859 (Neighbor Islands)

WEB: http://www.capitol.hawaii.gov/emailtestimony

Note to clerk: (Please print 24 copies including original)

# Dear Committee on Judiciary:

I am writing in strong support of SB1025. The rise in Human Trafficking among international and domestic trafficked persons is increasing as Hawaii is now 1 of 5 states in the nation that has not passed local legislation making it all too easy for victims of this modern-day slavery to fall through the cracks of our justice system as they are mistakenly seen as "illegal immigrants."

A law is especially needed in Hawaii given that trafficking is rampant. Hawaii has recently been implicated in a federal investigation of the largest labor-trafficking case in U.S. history involving more than 400 victims. (Global Horizons<sup>1</sup>). This is an example of a rare instance where trafficking was discovered and is being prosecuted. It is likely that there are many other instances of trafficking that are going undiscovered and unpunished.

Having worked with human trafficking victims in the past, I can assure you that <u>laws protecting</u> <u>victims are essential to their protection and well-being</u>. All too often victims of human trafficking are unjustly blamed for being trafficked, making it increasingly difficult for them to achieve justice and prosecution of their traffickers through existing legal systems. Moreover, the blame assigned to trafficking victims for their circumstances is not only unjust and misguided, it creates often insurmountable barriers to their physical well-being in terms of limiting access to social services as well as their psychological well-being in terms of making them responsible for a legacy of trauma that they did not ask for. Yet, existing laws are non-existent to deter Labor-Trafficking while protecting victims. Effective deterrents require bringing traffickers who exploit trafficked persons, to justice.

In order to deter Human Trafficking, Hawaii must recognize that Human Trafficking is a serious offense. This can be simply accomplished by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting, rather than punishing, the victims of these offenses.

## Please pass SB1025.

Thank you.
Sincerely,
Aileen Duldulao, MSW, PhD
Kane'ohe, Hawai'i

DATE: 29 March 29, 2011

ATTN: COMMITTEE ON JUDICIARY

Rep. Gilbert S.C. Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Rep. Tom Brower

Rep. Rida T.R. Cabanilla

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Rep. Barbara C, Marumoto

Rep. Cynthia Thielen

LATE TESTIMONY

HEARING DATE:

Tuesday, March 29, 2011

HEARING PLACE: Conference Room 325 - State Capitol - 415 South Beretania Street

TIME: 3:30PM

# RE: SB1025 RELATING TO THE PENAL CODE.

PROPOSED HD1: Expands the offenses of assault against a law enforcement officer in the first and second degree to include assaults against firefighters and water safety officers. Creates a class B felony for unauthorized entry in a dwelling based on occupant's age and incapacity. Establishes class A and B felony labor trafficking offenses, a nonpayment of wages offense, and an unlawful conduct with respect to documents offense. Establishes provisions related to prosecution of the offenses. Effective 1/7/2059. (SB1025 SD1 HD1 Proposed)

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WEB: <a href="http://www.capitol.hawaii.gov/emailtestimony">http://www.capitol.hawaii.gov/emailtestimony</a>

Note to clerk: (Please print 24 copies including original)

# Dear Committee on Judiciary:

Aloha! The rise in Human Trafficking among international and domestic trafficked persons is increasing as Hawaii is now 1 of 5 states in the nation that has not passed local legislation making it all too easy for victims of this modern-day slavery to fall through the cracks of our justice system as they are mistakenly seen as "illegal immigrants."

Hawaii has also recently been implicated in a federal investigation of the largest labor-trafficking case in U.S. history involving more than 400 victims. (Global Horizons<sup>1</sup>).

Existing laws are non-existent to deter Labor-Trafficking while protecting victims. Effective deterrents require bringing traffickers who exploit trafficked persons, to justice.

The lack of legal definition in our Hawaii criminal statutes creates a reluctance in the implementation of adequate services and facilities in Hawaii to meet the needs of trafficking victims in terms of health care, housing, education, medical services, and legal assistanceservices which safely support the recovery and ability of trafficked persons to regain control of their lives and also to assist with the prosecution of traffickers.

In order to deter Human Trafficking, Hawaii must recognize that Human Trafficking is a serious offense. This can be simply accomplished by prescribing appropriate punishment, giving priority to the prosecution of trafficking offenses, and protecting, rather than punishing, the victims of these offenses.

# Please pass SB1025. Mahalo!

Sincerely,

Isaiah Moreno, MS, CSAC Substance Abuse Counselor Hina Mauka Recovery Center

<sup>1</sup>Global Horizon's Case

http://www.civilbeat.com/articles/2010/09/02/4084-largest-human-trafficking-case-in-us-history-filed-in-honolulu/



322 Aoloa Street, Suite 601 Kailua, HI 96734 Phone (808) 262-6533

8306 Wilshire Blvd., Suite 70 Beverly Hills, CA 90211 Phone (323) 935-5090

#### HOUSE COMMITTEE ON JUDICIARY

Rep. Gilbert S.C. Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

Rep. Tom Brower

Rep. Mele Carroll

Rep. Blake K. Oshiro Rep. Clift Tsuji

Rep. Rida T.R. Cabanilla Rep. Robert N. Herkes

Rep. Joseph M. Souki Rep. George R. Fontaine

Rep. Ken Ito

Rep. Barbara C. Marumoto

Rep. Sylvia Luke

Rep. Cynthia Thielen

Rep. Angus L.K. McKelvey

**HEARING** 

Time: 3:30 PM Date: Tuesday, March 29, 2011 Place: Conference Room 325, State Capitol

TESTIMONY IN STRONG SUPPORT

Re: H.B. 1025 S.D. 1 H.D. 1 Proposed - Relating to Labor-Trafficking Note to clerk: (Please print 1 copy including original)

March 26, 2011

VIA: JUDtestimony@Capitol.hawaii.gov

Dear Committee on Judiciary:

As a Hawaii business professional, and individual involved in the education of girls and women around the world, I am astounded that Hawaii remains one of few States in America without any law against labor trafficking. Since there are no existing laws that not prevent labor trafficking, or protect victims, what effective deterrents are in place that can bring traffickers, and patrons who solicit services from trafficked persons, to justice?

The legal definition of Hawaii statutes create a deficit of adequate services and facilities in Hawaii to meet the health care, housing, education, medical services, and legal assistance for trafficked victims. Services are needed to safely support the recovery of trafficked persons so these vulnerable children, youth, and at-risk men and women can regain control of their lives, and to assist the State in the prosecution of traffickers. It is time that our State government establishes a law that protects the human rights of its citizens, residents, visitors, and victims from labor trafficking

I know you are all aware of the devastating impact labor trafficking has on societies. As founder of the Tahirih Association (www.TahirihAssociation.org), a not-for-profit 501(c)3 membership organization (Beverly Hills, CA) that empowers girls and women around the world, we have awarded 22 scholarships to recipients located in six countries in the last ten years. Due to the labor trafficking situations that currently exists in Hawaii, the Tahirih Association recognizes the need to initiate additional programs specifically designated to assist the education of young women that have been labor trafficked on the streets of Honolulu. Therefore, I have extended our Teach A Girl, Change the World Scholarship Program to assist any girl or woman rescued from by the PASS public charity.

As an ordinary citizen I am happy to do my part. Please, as our political leaders, abolish labor trafficking in Hawaii. The residents of Hawaii, and concerned citizens around the world, are respectfully asking you to effectively combat the growing problem of human labor trafficking by supporting the passage of state legislation that would provide the just, severe, and effective punishment of traffickers and the protection of trafficked persons. We support leaders who support the passage of state legislation to create a Human Trafficking statute.

Please support the passage of H.B. 1025 S.D. 1 H.D. 1 Proposed - Relating to Labor Trafficking.

Fadia Rice

# Testimony for SB1025 on 3/29/2011 3:30:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

Sent: Tuesday, March 29, 2011 11:56 AM

To: JUDtestimony

Cc: dyy808@hotmail.com

Testimony for JUD 3/29/2011 3:30:00 PM SB1025

Conference room: 325

Testifier position: support Testifier will be present: No Submitted by: Dennis Yamamoto Organization: Individual

Address: Phone:

E-mail: dyy808@hotmail.com Submitted on: 3/29/2011

#### Comments:

I support SB 1025 with the inclusion of a higher degree of penalty for a senior or disabled person.