



## **TESTIMONY OF THE DEPARTMENT OF THE ATTORNEY GENERAL TWENTY-EIGHTH LEGISLATURE, 2016**

---

**ON THE FOLLOWING MEASURE:**

**H.B. NO. 1902, H.D. 2, RELATING TO SEX TRAFFICKING.**

**BEFORE THE:**

**SENATE COMMITTEE ON JUDICIARY AND LABOR**

**DATE:** Tuesday, March 22, 2016

**TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Lance M. Goto, Deputy Attorney General

---

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General recommends a few friendly amendments to this bill, but otherwise supports this bill.

The purpose of this bill is to rename the offense of Promoting Prostitution in the First Degree to "Sex Trafficking," classify it as a violent crime for purposes of the Crime Victim Compensation laws, and make a Sex Trafficking offender strictly liable when the person subjected to prostitution was less than eighteen years old. The bill provides that the offense of prostitution, when committed by a person younger than eighteen years of age, is a violation; and when committed by a person who paid, agreed to pay, or offered to pay a fee to engage in sexual conduct with another person, and who recklessly disregarded the fact that the other person is a victim of sex trafficking, is a class C felony. It expands the Department of the Attorney General's Statewide Witness Program to include Sex Trafficking; and it amends laws relating to civil liability for cases of coercion into prostitution to include Sex Trafficking. The bill also adds Sex Trafficking to the list of covered offenses subject to the forfeiture laws and the list of offenses for which an investigating agency might obtain court approval to intercept communications. And finally, the bill makes the offense of Sex Trafficking a tier 2 offense under the sex offender registration laws.

The Department has concerns about the proposed amendments to the Prostitution law on pages 8-10 of the bill. The bill on page 8, lines 3-9, defines what constitutes the offense of Prostitution. The current amendment on lines 5-6 requires that the offender be eighteen years of age or older. But it is clear from the bill, on page 10, lines 13-15, that it intends that the

Prostitution offense apply to all offenders, including juveniles. Therefore, the age provision on page 8, lines 5-6, should be deleted such that the revised subsection (1)(a) should read as follows:

The person engages in, or agrees or offers to engage in, sexual conduct with another person for a fee.

The age provision should be placed on line 14, in the penalty subsection, such that subsection (3) should read as follows:

Prostitution is a petty misdemeanor, except when a person commits a violation of subsection (1)(a) and is less than eighteen years of age, then prostitution is a violation.

With these revisions, subsection (6) on page 10 of the bill, at lines 13-19, should be amended to read as follows:

A person less than eighteen years of age, who commits a violation of subsection (1)(a), shall be subject to the jurisdiction of the family court that shall handle the matter as a criminal offense pursuant to section 571-11(1), including for the purposes of custody, detention, diversion, and access to services and resources.

The Department also has concerns about the proposed amendment to the penalty provision for the offense of Prostitution on page 8 of the bill, at lines 14-18:

Prostitution is a petty misdemeanor; provided that that it is a class C felony if the person who paid, agreed to pay, or offered to pay a fee to engage in sexual conduct with another person did so in reckless disregard of the fact that the other person was or is a victim of sex trafficking.

This is the penalty provision for the offense, as defined on page 8 of the bill, at lines 3-9. But the proposed amendment does more than amend the penalties for the offense; it creates a new class C felony offense with the additional material element that the offender committed the offense "in reckless disregard of the fact that the other person was or is a victim of sex trafficking." We recommend that this new offense should be established in subsection (1) of section 712-1200, where the Prostitution offense is defined, or in a separate section in chapter 712, as a different offense. Creating it in a new section, will prevent it from being confused with the petty misdemeanor offense, and will make it identifiable for purposes of charging and criminal history record keeping.

With respect to the new material element that the offender "did so in reckless disregard of the fact that the other person was or is a victim of sex trafficking," the Department notes that the

phrase "was or is a victim of sex trafficking" is ambiguous and should be clarified. If the person was a victim of sex trafficking, it could mean that the person was previously a victim many years before, but is no longer a victim of sex trafficking.

Thank you for the opportunity to testify.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR**  
**SENATE COMMITTEE ON JUDICIARY AND LABOR**  
**Twenty-Eighth State Legislature**  
**Regular Session of 2016**  
**State of Hawai'i**

March 22, 2016

**RE: H.B. 1902, H.D. 2; RELATING TO SEX TRAFFICKING.**

Chair Keith-Agaran, Vice Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong opposition to H.B. 1902, H.D 2, particularly to Section 12.

First, we would like to point out some portions of the bill that we are in favor of, such as Section 14, clarifying that the age of a minor subjected to prostitution is a strict liability standard, under HRS 712-1202(1)(b). We respectfully recommend, however, that Section 14 be amended to move the term "knowingly" from page 11, line 8, to page 11, line 9, before the word "Advances." This would remove the dual state of mind under subsection (b).

In addition, if the Legislature is intent on changing the title of "Promoting prostitution in the first degree," to "Sex trafficking," the Department will deal with any new challenges that arise from the title change. Nevertheless, it should be emphasized that our current law has been addressing the problem of sex trafficking since 2011, when the Department pushed to increase penalties for perpetrators of these offenses and heighten the protections for their victims. Since 2011, eight (8) pimps have been successfully convicted and sentenced to prison terms ranging from one (1) year to twenty (20) years, and this was due to the help and testimony of prostitutes who were given immunity from prosecution. Our Victim Witness Advocates Program also provided support to these victims throughout the court process, and worked with various service providers to ensure that they received additional support.

Our opposition to the bill is based on the following problems:

1. As written, the bill would legalize prostitution by minors. On page 8, lines 3-9, the definition of prostitution specifically exempts any person under the age

of 18 who “engages in, or agrees or offers to engage in, sexual conduct with another person for a fee.” The Department is in strong opposition to legalizing prostitution for minors.

2. Page 10, lines 13-19, then adds a contradictory provision, stating that if a minor engages in sexual conduct for a fee, he or she has committed a violation. Clearly, this cannot be a violation if it is not prohibited by law. Moreover, if prostitution were only a violation for minors, this would actually make minors a greater target for pimps, who could then recruit minors by emphasizing that this is only a violation and not a crime. In a hasty attempt to protect minors, these amendments would actually expose minors to more danger.

Please note, under current laws and practice, minors are already protected by special confidentiality requirements and the sealing of their juvenile records upon reaching 18 years old. Thus, being adjudicated as a juvenile has minimal impact on a person’s future educational or occupational prospects. Also, under the current language of HRS 712-1200, minors who are involved in prostitution can be provided with treatment and counseling on a mandatory, extended, residential basis to the extent deemed necessary by Family Court. When minors are arrested for prostitution under current law, they are taken to Family Court for treatment and programs, not for punishment.

Although this bill does include some favorable provisions, inclusion of the unfavorable provisions noted above must result in our strong opposition to H.B. 1902, H.D. 2. Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: [www.honolulu.org](http://www.honolulu.org)

KIRK CALDWELL  
MAYOR



LOUIS M. KEALOHA  
CHIEF

MARIE A. McCAULEY  
CARY OKIMOTO  
DEPUTY CHIEFS

OUR REFERENCE CT-TA

March 22, 2016

The Honorable Gilbert S. C. Keith-Agaran, Chair  
and Members  
Committee on Judiciary and Labor  
State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

SUBJECT: House Bill No. 1902, H.D. 2, Relating to Sex Trafficking

I am Calvin Tong, Major of the Narcotics/Vice Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes House Bill No. 1902, H.D. 2, Relating to Sex Trafficking, as written.

On page 8, Section 12 of the bill seeks to amend Hawaii Revised Statutes Section 712-1200, Prostitution, so that an offender younger than eighteen years of age shall have committed a violation. Although the bill authorizes the family court to handle the matter as a criminal offense, there is no such authorization for law enforcement.

Offenders who commit violations are not subject to arrest unless the arrest also includes criminal offenses. Law enforcement cannot hold status offenders in secure detention. In addition, status offenders are released to a parent, guardian, or another responsible adult unless the juvenile has outstanding warrants or letters of apprehension on file.


We understand the intent for a more victim-centered approach, but as written, the bill neglects to give the law enforcement officers the authority to place a juvenile offender into custody or detention that is probably needed to rescue him or her from sex trafficking.


The Honolulu Police Department urges you to oppose House Bill No. 1902, H.D. 2, Relating to Sex Trafficking.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
Louis M. Kealoha  
Chief of Police

  
Calvin Tong, Major  
Narcotics/Vice Division

*Serving and Protecting With Aloha*

**Justin F. Kollar**  
Prosecuting Attorney

**Jennifer S. Winn**  
First Deputy



**Rebecca A. Vogt**  
Second Deputy

**Diana Gausepohl-White**  
Victim/Witness Program Director

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

3990 Ka'ana Street, Suite 210, Līhu'e, Hawai'i 96766  
808-241-1888 ~ FAX 808-241-1758  
Victim/Witness Program 808-241-1898 or 800-668-5734

---

**TESTIMONY IN STRONG SUPPORT  
HB 1902 – RELATING TO SEX TRAFFICKING**

Justin F. Kollar, Prosecuting Attorney  
County of Kaua'i

Senate Committee on Judiciary & Labor  
March 22, 2016, 9:00 a.m., Conference Room 016

Chair Keith-Agaran, Vice-Chair Shimabukuro, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, STRONGLY SUPPORTS HB 1902 – Relating to Sex Trafficking.

The intent of the Bill is to adopt a victim- and survivor-centered approach to prosecution of these terrible crimes and bring Hawai'i into line with the other forty-nine U.S. States that have adopted comprehensive anti-sex trafficking legislation.

The proposed Bill adequately addresses the concerns raised by the Governor in his veto message concerning the Sex Trafficking Bill passed in the previous legislative session. It balances the various factors articulated by the various stakeholders around this issue and offers an appropriate approach to dealing with sex trafficking in Hawai'i.

Accordingly, we STRONGLY SUPPORT HB 1902. We request that your Committee PASS the Bill.

Thank you very much for the opportunity to provide testimony on this Bill.



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

---

## TESTIMONY FOR HOUSE BILL 1902, HOUSE DRAFT 2, RELATING TO SEX TRAFFICKING

Senate Committee on Judiciary and Labor  
Hon. Gilbert S.C. Keith-Agaran, Chair  
Hon. Maile S.L. Shimabukuro, Vice Chair

Tuesday, March 22, 2016, 9:00 AM  
State Capitol, Conference Room 016

Honorable Chair Keith-Agaran and committee members:

I am Kris Coffield, representing the IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 350 local members. On behalf of our members, we offer this testimony **in strong support of** HB 1902, HD2, relating to sex trafficking.

It's time. A half-decade after our state enacted its first human trafficking law, the moment has come to ban sex trafficking in Hawai'i. In the last five years, policymakers and anti-trafficking activists have made numerous changes to the islands' prostitution code to curb sexual exploitation. In 2011, we increased the grade of offense for promoting prostitution violations to class A and B felonies, subjecting abusive pimps to lengthy jail sentences. In 2012, we made it possible for trafficking survivors to vacate prostitution convictions that were the result of coercion. In 2013, we attacked demand for the sexual exploitation of children by criminalizing solicitation of minors for prostitution. We also required our state's approximately 150 high-risk sex-trafficking establishments, like strip clubs and hostess bars, to put up a poster with the National Human Trafficking Hotline number, and took away the ability for johns to get out of jail free by deferring their sentences. Last year, we closed a loophole that allowed law enforcement to have sex with trafficking survivors during prostitution busts. Equally importantly, we removed the "mistake of age" defense for criminals who buy sex with kids, permitted reverse stings to catch child predators, and raised fines and fees for prostitution charges to make perpetrators pay for the rehabilitation of their victims.



Yet, the progress we've made isn't enough. Hawai'i is the only state in the nation without a comprehensive, victim-first sex trafficking ban (Virginia, the only other state without a ban, passed a sex trafficking law last February). Put simply, we still haven't outlawed slavery on our shores. Make no mistake, sexual slavery is what we're targeting. Victims of sex trafficking are no more in control of their actions than Africans oppressed under chattel slavery. According to the U.S. Department of Health and Human Services, sex trafficking survivors experience “terrorizing physical and sexual violence,” as well as “multiple layers of trauma, including psychological damage from captivity and fear of reprisals if escape is contemplated, brainwashing, and for some, a long history of family, community, or national violence.” Studies show that 80 percent of prostituted persons report being raped and as many as 95 percent report being physically assaulted, according to the U.S. Department of State, which notes that such statistics are likely lower than reality because of heightened victim traumatization. Moreover, nearly 90 percent of prostituted women reported a strong desire to escape in a 2003 study published in the *Journal of Trauma Practice*, a number that's made more urgent by the fact that the average age of entry into the American commercial sex industry is 13-years-old.

Victims of sexual and psychological terror should not be called criminals. Rather, they should be provided with the services needed to restore their health and dignity. When we hoist the “prostitution” label on sex trafficking survivors, as Hawai'i's promoting prostitution laws inherently do, we brand them with a unjust code that impedes their ability to obtain housing, higher education, and employment. Branding is a way that pimps mark their victims as property. It has no place in the restoration of human rights. This legal circumstance is exacerbated by the fact that, under HRS §712-1200, johns and prostitutes are criminalized under the same law, creating a mind-boggling legal mess in which sex trafficking victims are penalized with the men who finance their subjugation (and creating a situation in which strengthening penalties for johns concurrently hardens sentences for victims, who are frequently misidentified as voluntary prostitutes and prosecuted for selling sex).

Hawaii is also at high risk of sex trafficking that is expedited by the internet, also known as “cybertrafficking.” Each year, pimps post roughly 110,000 ads for Hawai'i-based prostitution online, using the adult services sections of websites like Backpage.com. High-risk sex trafficking businesses, like massage parlors and escort services, use advertisements featuring nude and semi-nude images to sell sexual exploitation to johns. Legitimate relaxation enterprises are unlikely to risk being mistaken for houses of prostitution by featuring pornographic images in their ads,

but brothel owners rely on this kind of commercial deception to peddle sexual subjugation. All too frequently, these businesses, along with pimps using the Internet to cloak street- or hotel-based prostitution, escape accountability for their crimes because of a lack of clarity in our promoting prostitution statutes.

To prevent our sands from being sullied by sexual servitude, lawmakers must approve HB 1902, establishing a sex trafficking statute, while recognizing sex trafficking as a violent offense whose victims should be eligible for crime victim compensation to cover medical and psychological care. Admittedly, implementing a sweeping sex trafficking ban won't cure the islands of sexual slavery. It will lift the label of prostitution off of survivors' heads, though, and allow victims to be accurately identified and placed within a coordinated social services network that unites governmental resources with nongovernmental trauma response expertise.

We additionally note that this bill rectifies concerns raised by the Honolulu Prosecutor that led to the Gov. David Ige's veto of Senate Bill 265, last year's version of the sex trafficking ban. Specifically, HB 1902 leaves intact the lesser offense of “promoting prostitution” for prosecutors to use when handling difficult cases (such as cases involving reluctant witnesses) and the arrangement of plea deals. This draft also eliminates language giving rise to the unintended consequence of requiring prosecutors to prove that a pimp or trafficker knew the exact age of their victim in cases involving either “sex trafficking” or “promoting prostitution,” while holding traffickers strictly liable for the exploitation of minors and respecting prosecutorial discretion in cases involving the trafficking of adults—with the latter cases being prosecuted as “sex trafficking” if evidence of “force, fraud, threat, or coercion” can be presented. Problematic language enumerating specific violent crimes as means of compelling a person into or profiting from sex trafficking—for example, kidnapping under §707-720, sexual assault under §707-731 and §707-732, or unlawful imprisonment under §707-721 and §707-722—moreover, have been stricken from this draft, safeguarding against law enforcement and prosecutors having to prove the facts of a specific violent crime *before* prosecuting a sex trafficking case.

Finally, **we are heartened that this bill makes solicitation of sex from a person in reckless disregard that the person is a victim of sex trafficking a felony offense.** IMUAlliance regularly engages in direct intervention on behalf of sex trafficking victims, often in the places at which trafficking occurs—strip clubs, massage parlors, hostess bars, relaxation therapy establishments, and local street “tracks.” Within the context of our outreach efforts, we regularly see johns purchase sexual services from victims who have just been beaten, raped, or otherwise

assaulted, with the attacks frequently occurring in plain view and, at times, in conjunction with money being given to the assailant. Similarly, johns will frequently purchase sex from a victim being advertised as a minor or after having been told by a pimp, trafficker, or mamasan that a girl is foreign, speaks limited English, or is new to the sex industry. These circumstances, among others, should be enough for a reasonable individual to suspect that a prostituted person is likely to be a victim of trafficking. For johns who disregard visible and apparent evidence of sex trafficking, we feel that the penalty for engaging in prostitution should be higher than for johns who pay \$200 for a casual sexual encounter in which force, fraud, threat, or intimidation are never evinced.

While stopping sex trafficking is an ambitious goal, passing this proposal will signal our common commitment to that cause. It will send the message that slavery will not be tolerated on our watch. Not in our neighborhoods. Not on our islands. Not anymore. Mahalo for the opportunity to testify **in strong support** of this bill.

Sincerely,  
Kris Coffield  
*Executive Director*  
IMUAlliance

March 1, 2016

COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
Senator Mike Gabbard  
Senator Kaiali'i Kahele  
Senator Donna Mercado Kim  
Senator Sam Slom  
Senator Laura H. Thielen

NOTICE OF HEARING

DATE: Tuesday, March 22, 2016  
TIME: 9:00am  
PLACE: Conference Room 016  
State Capitol  
415 South Beretania Street

**RE: IN STRONG SUPPORT OF HB1902 HD2  
RELATING TO SEX TRAFFICKING**

Dear Committee on Judiciary and Labor:

The Pacific Alliance to Stop Slavery (PASS) strongly supports **HB1902 HD2**. Since the Governor's veto of last year's sex trafficking bill, lawmakers, the Attorney General's office, and the Honolulu Prosecutor's Office met with state and private service providers to draft HB1902, using language everyone agreed upon. HB1902 is the culmination of that collaborative work, which lasted from the end of the 2015 legislative session until the end of that year.

Hawaii currently remains the only state in the nation lacking a comprehensive, victim-centered sex trafficking law.

The struggle to establish a sex-trafficking law began in 2005 and the implementation of this statute is long overdue. A strong sex-trafficking definition would allow the state to move forward progressively in effective combatting human trafficking in a victim-centered way. Simply relying upon the current promoting prostitution statutes are not enough to protect survivors of sex trafficking from re-victimization in seeking justice.

PASS respectfully urges you to support and pass this bill. Thank you for your time and leadership.

Sincerely,

Kathryn Xian  
Executive Director  
Pacific Alliance to Stop Slavery



March 20, 2016

Senate's Committee on Judiciary and Labor  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

RE: **House Bill 1902 HD 2** – RELATING TO SEX TRAFFICKING

Aloha Chairperson Keith-Agaran, Vice Chair Shimabukuro and fellow committee members,

The LGBT Caucus of the Democratic Party of Hawai'i wants it to be clear that we support outlawing sex trafficking at the local, national and international levels. At the LGBT Caucus of the DPH's 2016 January meeting the Caucus passed the following position statement unanimously regarding sex trafficking and the difference between consensual sex workers:

We support laws banning sex/human trafficking, while making sure that the laws do not persecute consensual sex workers. We recognize there is a need for education to understand the difference between sex trafficking and consensual sex workers.

We believe that this issue is far more nuanced than some would lead you to believe.

While the Caucus does support the original intent of HB 1902 HD 2 to outlaw sex trafficking we cannot support the bill in its current form. We believe that the bill fails to take into account consensual sex workers. Treating consensual sex workers like a victim of sex trafficking is not justice and it conflates the two issues, which does no one any favors.

We hope that you will take the appropriate actions to help ensure justice for the victims of sex trafficking while protecting the rights of consensual sex workers.

Mahalo nui loa,

Michael Golojuch, Jr.  
Chair

# TESTIMONY

**The Libertarian Party of Hawaii  
c/o 1658 Liholiho St #205  
Honolulu, HI 96822**

RE: HB 1902 to be heard Tuesday March 22, in Conference Room 016

## **OPPOSE**

To the Members of the Senate Committee on Judiciary and Labor

Most of this bill is wasted paper that does nothing but change the title of code section 712-1202 from promoting prostitution in the first degree to sex trafficking. This is an unneeded and wasteful exercise. We recommend deleting sections 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 13, 15, 17, and 19 that merely involve changing words and have no substantive utility. Section 18 should then be changed to reflect the current terminology under 712-1202 as being added to offenses in which wiretap investigations are allowed.

We also recommend deleting sections 5 and 14. Section 5 includes the word changes and also deletes an ambiguous paragraph. If anyone on this committee understands the paragraph that has been deleted and what would change without it let them explain it.

Section 14 creates a strict liability offense. This is a new trend in law that seeks to prevent criminal defendants the right to raise a defense on substantive issues during trial. This is already a class A felony and the minors involved maybe as old as one day shy of age 18. There is no age specified for the perpetrator who may also be, and often is, a minor them self.

Sections 12, 16 and 20 could be salvaged by amendment. Section 12 should not create a lesser penalty for minors than for adults engaging in the same activity. This is contrary to public policy on protecting youth as reflected in laws concerning alcohol, tobacco, and many status offenses that do not apply to adults. The simple way to deal with this is to change the penalty for section 712-1200 to a civil violation and leave the age thing out of it. Another would be to remove all penalties from adults leaving them potentially culpable only under sections that deal with public solicitation. Youth would be subject to the family court with some probation concept. In any case professionals such as the Youth Outreach Project should be brought in to design services. It should not be left to the group of rescue organizations who may or may not be following professional guidelines.

Section 16 is contrary to public policy in that it maintains unnecessary barriers to persons attempting to move out of the sex trades into other more socially acceptable jobs and lives. This public policy is stated clearly in the commentary to section 712-1200 i.e. "there exists a desire to encourage persons involved in the sex industry to seek alternative lifestyles and employment options." The better way to vacate convictions is to make the process available to all sex workers, not simply those claiming victim status. The process can be based on an application made to the court after a period of time in which no further criminal activity has been shown.

Section 20 would better be served by deleting the last several sections in the current code starting with subsection v. At the least and to be consistent with other recommendation I have made above subsection v should be deleted.

We have a good group of professional people in Hawaii in public health, social services, and our own University who should be consulted in drafting policy in this area. The Libertarian Party will be working with people in Hawaii we believe to be honest and professional to draft reform legislation for next session. So one option would be to hold this bill now and simply wait for the good ideas that will be available in 2017.

Sincerely:

A handwritten signature in black ink, appearing to read 'Tracy Ryan', with a long horizontal flourish extending to the right.

Tracy Ryan, Chair



250 Vineyard Street  
Honolulu, Hawaii 96813  
(808) 521-9531

**FamilyProgramsHawaii.com**

TO: Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
COMMITTEE ON JUDICIARY AND LABOR

HEARING: Tuesday, March 22, 2016  
9:00 AM  
Conference Room 016

FROM: Judith Wilhoite  
Family Advocate  
It Takes An Ohana

RE: HB1902 - Relating to Sex Trafficking

Thank you for the opportunity to testify. I am the Family Advocate for Family Program Hawaii's It Takes An Ohana (ITAO) program and a resource caregiver, formerly referred to as foster parent. I, along with my Advisory Committee made up of resource caregivers and adoptive parents, strongly support HB1902.

Statistics from the Department of Justice show that the average age of entry for girls into sex trafficking is between 12 to 14 years. We're not talking about young women here, we are talking about children! Even more horrifying to a foster mother are reports that 50% of children sold into trafficking in California are foster care children and 60% of children reported missing to the National Center for Missing and Exploited Children who are likely sex trafficking victims were in foster care or group homes when they ran away .

Some factors that make Hawai'i a prime location for sex trafficking are:

- High occurrence of runaways
- International travel destination
- Business and trade conferences
- Military hub
- Tourism
- High rate of intra-familial sexual abuse
- High rate of suicide

Let us all join together to help these young people find support and healing, with opportunities for a new, better life. Passing HB1907 is a good place to start.

Thank you for this opportunity to voice strong support for HB1902.

*We help kids*





ONLINE TESTIMONY SUBMITTAL  
Senate Committee on Judiciary & Labor  
Hearing on Tuesday, March 22, 2016 @ 9:00 a.m.  
Conference Room #016

**DATE:** March 21, 2016

**TO:** Senate Committee on Judiciary & Labor  
Senator Gilbert Keith-Agaran, Chair  
Senator Maile Shimabukuro, Vice Chair

**FROM:** Eva Andrade, President

**RE:** Support for HB 1902 HD2 Relating to Sex Trafficking

Aloha and thank you for the opportunity to submit testimony in support of this measure. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii. We support strengthening laws to protect children from sexual exploitation but defer the legal technicalities to the experts. As a faith-based community, we care deeply about the family and protection of our keiki. Therefore, it is very important to us that the law provide a clear and strict liability offense if it relates to a minor.

The U.S. State Department estimates that thousands of human beings, many of them children, are trafficked each year into the United States to work in the sex trade or as slave labor. Women and children have been forced to work in prostitution and child pornography rings, and even coerced into different types of manual labor, without pay or protection.

In Hawaii, many child victims of human trafficking commonly seek to escape their personal struggles with the hope of finding opportunity and a brighter future. It is in these types of environments that human traffickers flourish, promising these precious keiki an opportunity to travel, at no immediate expense, for employment and housing. What they find instead, is coercion, abuse, entrapment, and sexual exploitation in a brothel, a massage parlor, or even an agricultural outpost. By the time they are rescued, if ever, they are shattered by physical, mental, and psychological abuse.

Hawaii Family Forum worked hard to protect children from sexual exploitation (our organization was instrumental in the raising of the age of consent in Hawaii from 14 to 16) and we appreciate the hard work of other advocacy organizations that have fought for more protections for victims of trafficking. Protection of our keiki from sexual exploitation must continue to be a top priority for Hawaii!

Mahalo for the opportunity to support this measure.



March 21, 2016

SENATE COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Donna Mercado Kim

Senator Maile S.L. Shimabukuro, Vice Chair

Senator Laura H. Thielen

Senator Mike Gabbard

Senator Sam Slom

Senator Kaiali'i Kahele

Testimony by Linda Smith, Founder and President, Shared Hope International  
Washington State Rep. (1983-87), Senator (1987-94), U.S. Congress (1995-99)

Re: OPPOSITION to HB 1902, HD2, RELATING TO SEX TRAFFICKING.

DATE: Tuesday, March 22, 2016

TIME: 9:00 a.m.

PLACE: Conference Room 016, State Capitol, 415 South Beretania Street

Dear Senate Committee on Judiciary and Labor:

Shared Hope International is a non-profit organization dedicated to combating the egregious crime and human rights violations incurred by the prevalent sex trafficking of children within the United States. By pursuing comprehensive, victim-centered approaches and working alongside first responders and policymakers to fight domestic minor sex trafficking, we have found that children from all types of home environments and socioeconomic statuses are vulnerable to the manipulative approaches used by traffickers who pose as boyfriends, recruiters for modeling agencies, and the like.

Under the Protected Innocence Challenge, Shared Hope has outlined the minimum legal components essential to protect children from sex trafficking and also to ensure access to justice and provision of services to those exploited. Annually, we measure each state's laws against this framework and issue a report card. In 2015, Hawaii received a "D" grade, largely resulting from the absence of a human trafficking law that clearly identifies and defines sex trafficking as a distinct criminal offense, establishing that the exploitation of minors under 18 through prostitution, pornography or sexual performance is a crime and providing comprehensive victim services and protections.

House Bill 1902, in its original form, would have promisingly provided this necessary cornerstone to combat the sex trafficking of minors by establishing a distinct sex trafficking criminal offense, as well as avenues to justice for victims in Hawaii. Indeed, this bill could have become Hawaii's first law to specifically criminalize the sex trafficking of minors without requiring proof of force, fraud or coercion. In addition, House Bill 1902 crucially included provisions regarding access to justice by allowing victims of sex trafficking to bring their own civil lawsuits.

However, a recent amendment, included in HB 1902, HD2, proposes an effective date of July 1, 2030, that would undermine the bill's provisions significantly, as any promised advancements would be delayed by fourteen years. Although delaying an effective date by a few years [for certain provisions within comprehensive responses](#) that build on pre-existing sex trafficking criminal laws may be reasonable when implementing an overall strategy, a proposal, as contained within HB 1902, HD2, to delay the effective date of a foundational law to establish sex trafficking as a specific criminal offense is unreasonable and undercuts the progress anticipated with the introduction of HB 1902, in its original form.

We encourage you to amend this bill to ensure timely, reasonable implementation so that victims of sex trafficking receive the protections they need and deserve.

Sincerely,



Founder and President, Shared Hope International  
Washington State Rep. (1983-87), Senator (1987-94), U.S. Congress (1995-99)

Beatriz Cantelmo

Honolulu, March 21<sup>st</sup>, 2016

Aloha Members of the Senate Committee on Judiciary and Labor of the state of Hawai'i:

My name is Beatriz Cantelmo. I am the Organizer/ Chair for Amnesty International Honolulu Chapter. Today, I am reaching out to you as a resident of the state of Hawaii and also as a constituent who resides in the Manoa neighborhood to request that you OPPOSE HB 1902.

I do wish, however, to inform you that I have contacted AI USA leadership team regarding HB 1902 because of AI global stand on decriminalization of sex work. AI USA Senior Director for Identity and Discrimination Unit, Ms. Tarah Demant. Ms. Demant sent a request for Amnesty International's International Secretariat research team, who are based in London, to review HB 1902. Since this is a new area of work for AI, combined with the fact that we don't have any precedent from which AI USA can use, AI International Secretariat is the lead on all of policy response on this topic. HB 1902 is a complex bill and it is unfortunate that AI did not have enough time to be able to make the full legal assessment of HB 1902 that would be required prior to be able to publicly make a statement about it. That is the reason why we were not able to provide you with an official testimony on HB 1902.

As you read my personal testimony opposing HB 1902, please do take in account that on August 11<sup>th</sup>, 2015, Amnesty International took a global position re. decriminalization of sex work. We launched a global campaign to provide more education, awareness and also to create policies to protect the human rights of sex workers, while also ensuring that sex trafficking is properly addressed. As a global movement, AI has voted to direct the board to adopt a policy of decriminalization. The final policy is being re-drafted and edited now and WILL CALL FOR FULL DECRIMINALIZATION OF SEX WORK. The policy is scheduled to be released in 2-3 months.

I want to clarify that I do not support sex and human trafficking and believe that laws and policies should be created and enforced all over the world to ensure that those who are impacted by such horrific situations be protected and supported, and that their perpetrators be persecuted. Having that said, I cannot support HB 1902 on its current form, for several reasons.

HB 1902 criminalizes sex workers, on several instances. From “promoting prostitution” to sex trafficking, by reclassifying sex work as a violent offense, and by allowing law enforcement to sexually assault sex workers prior to arresting them and being given exemption from the state of Hawaii to be able to do so.

Globally, sex workers are the most marginalized groups in the world. In many countries, they are threatened with a whole host of abuses, including rape, beatings, trafficking, extortion forced eviction and discrimination, including exclusion from health services. More often than not, they get no, or very little, legal protection. In fact, in many cases these violations and abuses are carried out by the police, clients and abusive third parties. Criminalizing their trade will only increase the likelihood of these men and women to continue to be marginalized and abused.

Decriminalizing sex work would not mean removing criminal penalties for trafficking. There is no evidence to suggest that decriminalization results in more trafficking. In fact, globally, the consensus is that decriminalization helps tackle trafficking, for the following reasons: when sex work is decriminalized, sex workers are better able work together and demand their rights, leading to better working conditions and standards and greater oversight of commercial sex and potential trafficking within it. When sex workers are not threatened with criminalization, sex workers are also able to collaborate with law enforcement to identify traffickers and victims of trafficking. It is least likely that they will reach out to law enforcement when they run the risk of being persecuted or when their trade is criminalized.

The largest organizations on the globe who serves and provides reliable data and services to sex and human trafficked victims AGREE that DECRIMINALIZATION OF SEX WORKERS HAS A POSITIVE ROLE TO PLAY IN TIGHTNING SEX TRAFFICKING. These organizations are: Global Alliance Against Trafficking in Women, Anti- Slavery International and International Labor Organization. For more information on this, please do check:

<https://www.amnesty.org/.../qa-policy-to-protect-the-human-r.../>

HB 1902 gives exemptions from persecution to any member of a police department, a sheriff, or a law enforcement officer can have sexual contact with a sex worker while on duty before arresting them.

“(5) This section shall not apply to any member of a police department, a sheriff, or a law enforcement officer acting in the course and scope of duties, unless engaged in sexual penetration or sadomasochistic abuse.”

Having such provisions allowed and enforced in the state of Hawaii are not only unacceptable, but it opens precedent for more police abuse and use of force, victimization and discrimination of sex workers.

#### [Hawaii's Prostitution Exemption for Cops](#)



#### Hawaii's Prostitution Exemption for Cops

Hawaii's lawmakers close a legal loophole that allowed police officers to have sex with prostitutes.

View on [www.cc.com](http://www.cc.com) Preview by Yahoo

Even Mrs. Xian, P.A.S.S. Executive Director and one of the biggest supporters of HB 1902 disagrees with law enforcement being able to have sex contact with sex workers.

"A sex assault charge "completely disrupts the trust we've fostered over the last several years with law enforcement," Xian said. "It also sends the message to the victims that they can never ever look to law enforcement for help."

Honolulu police use sex assault charge in prostitution sting

Honolulu police use sex assault charge in prostitution s...

HONOLULU (AP) — About a dozen women arrested over the weekend in a Honolulu prostitution sting at massage parlors won't be charged with prostitution. Instead, th...

View on **news.yahoo.com**

Preview by Yahoo

In 2015, the ACLU put the pressure on and this loophole for the police was abolished. I am appalled that the state of Hawaii wants to allow police officers to “abuse” sex workers, under the guise of arresting or rescuing them.

[Hawaii Police Won't Get to Have Sex With Prostitutes Anymore](#)



### Hawaii Police Won't Get to Have Sex With Prostitutes Any...

Police in state signaled this week that they're willing to drop their objections to nixing a bizarre provision in the state's law that allows officers to have sex w...

View on **time.com**

Preview by  
Yahoo

[Women Charged With Sexual Assault In Honolulu Prostitution Sting](#)



## Women Charged With Sexual Assault In Honolulu Prostitu...

HONOLULU (AP) — About a dozen women arrested over the weekend in a Honolulu prostitution sting at massage parlors won't be charged with prostitution. Ins...

View on [www.huffingtonpost.com](http://www.huffingtonpost.com) by Yahoo

Approaching minors who agree or offer to engage in sexual conduct with another person for a fee as a violation, and subject this individual to the jurisdiction of family court who will then handle the matter as a criminal offense pursuant to section ( 571-11(1), including for the purposes of custody, detention, diversion and access to services and resources are not going to help minors out of the sex industry is an inefficient approach to assist them in exiting the sex working industry.

Moreover, this type of approach makes this group more vulnerable and exposed to physical and sexual violence, arbitrary arrest and detention, extortion and harassment, human trafficking, forced HIV testing and medical interventions.

Criminalizing youth sex workers makes it harder for them to obtain employment of their choice. The global consensus is that policies must be created so that in addition to decriminalization practices to empower women, youth or any other marginalized group in order to ensure that no one has to undertake sex work in order to survive, if they so choose. States must provide adequate and timely access to support - for example, state benefits, education and training and/or alternative employment and affordable housing. And these types of benefits should not be mandatory either.



In 2014, a research project by the Urban Justice Institute interviewed, almost 300 people who all entered into survival sex as minors. They report that they could not get access to shelter or any other vital services from the state. The majority of the youth report that they do not have pimps and they teach each other how to find clients, while avoiding social worker.

Surviving the streets of NY: Experiences of LGBTQ Youth, YMSM & YWSW Engaged in Survival Sex.

<http://www.urban.org/UploadedPDF/2000119-Surviving-the-Streets-of-New-York.pdf>

Half the youths report that the police are forcing them to have sex in lieu of arrest.

[Child Sex Workers' Biggest Threat: The Police](#)



### Child Sex Workers' Biggest Threat: The Police

Most minors in the sex industry are not kidnapping victims who need to be saved from organized rings of predatory criminals.


View on  
[newrepublic.com](#)

Preview by  
Yahoo

I also ask that you please consider the following information:

## Special Report: Money and Lies in Anti-Human Trafficking NGOs

### [Special Report: Money and Lies in Anti-Human Trafficking NGOs](#)



**Special Report: Money and Lies in Anti-Human Trafficking...**

Despite enormous budgets, it's not clear anti-trafficking organizations can possibly be accomplishing what they claim.

View on [www.truth-out.org](http://www.truth-out.org)      Preview by Yahoo

Please note that from 45 trafficking victims from 32 states, 90% of them were arrested, not rescued. Some have been arrested 20 to 30 times and services were only offered to those who played the victim role.

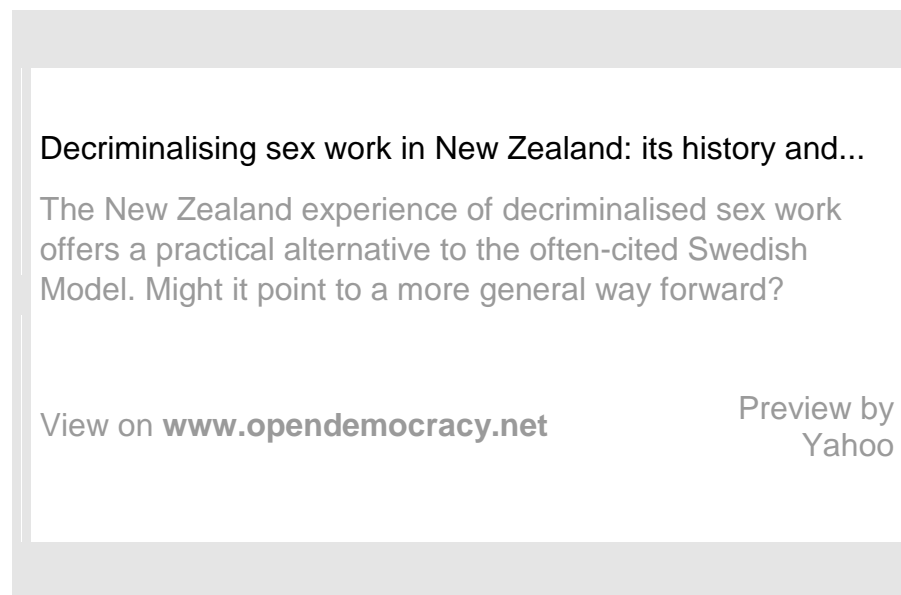
In closing, I hope you will consider the expertise of well-known, credible and respected organizations such as Amnesty International, the World Health Organization, UN AIDS, the UN Special Rapporteur on the Right to Health and other UN agencies when continuing to work with laws that not only protects sex workers from criminalization and discrimination, but also create policies that can ensure proper protection of sex and human trafficked survivors when that is the case.

Linking all sex workers with being either sex trafficked victim or a criminal is not the answer. You also must listen to the voices of sex workers when creating policies that will directly impact them as a group. Their human rights must be protected and taken into account, as well as their experiences.

Please consider what New Zealand has done to decriminalize sex work, along with the data and results of such measures.

<http://www.legislation.govt.nz/act/public/2003/0028/latest/DLM197815.html>

[Decriminalising sex work in New Zealand: its history and impact](#)



Please consider UN report calling for decriminalization of sex work and Amnesty International position on decriminalization of sex work as you consider new policies that takes into account domestic and global movement to protect the human rights of sex workers, while ensuring that sex and human trafficking are also properly addressed:

<http://www.washingtontimes.com/news/2012/oct/24/un-report-calls-decriminalizing-prostitution/?page=all>

<https://www.amnesty.org/.../qa-policy-to-protect-the-human-r.../>

<https://www.amnesty.org/.../global-movement-votes-to-adopt-p.../>

<https://www.amnesty.org/.../policy-on-state-obligations-to-r.../>

<https://www.amnesty.org/.../sex-workers-rights-are-human-rig.../>

Should you have any questions, or would like to reach me, please feel free to send me an email, or to call me at: 608-421-3135.

In kindness and solidarity, we all thrive.

-Beatriz Cantelmo

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, March 20, 2016 2:34 PM  
**To:** JDLTestimony  
**Cc:**  
**Subject:** \*Submitted testimony for HB1902 on Mar 22, 2016 09:00AM\*

**HB1902**

Submitted on: 3/20/2016

Testimony for JDL on Mar 22, 2016 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Susan J. Wurtzburg	American Association of University Women, Hawaii	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

March 21, 2016

My name is Norma Jean Almodovar and I am the executive Director of COYOTE LA. As a sex worker rights activist for the past 34 years, I am encouraging you to please OPPOSE HB 1902.

I am a retired sex worker as well as an activist and have worked with sex workers around the world, and am all too familiar with the unfortunate anti- prostitution agenda which conflates all sex work with sex trafficking and gives law enforcement agents unprecedented power over the lives of an already vulnerable population.

I also once worked for the Los Angeles Police Department as a traffic officer, for ten years in the 1970s to 1982. It was because of the treatment of sex workers by law enforcement agents which I observed that made me realize society has no clue about the (hopefully) unintended consequences of the prohibition of consenting adult commercial sex.

Sex worker activists like me are concerned about the very same things that concern legislators and society as a whole. We do not want anyone to be forced into the sex industry, nor do we want minors involved. We can work together to stop trafficking, but not as long as all sex workers are considered either 'victims' or treated as 'traffickers' when we try to help our colleagues work safely.

As a woman, I do not want other women to be raped, but I support the right of all women to engage in sexual relationships with other adults, whether or not for money or within marriage. As a married woman, I am horrified by the prevalence of domestic violence, but I do not believe that women would be helped by criminalizing marriage.

It is a waste of scarce and valuable resources to require law enforcement agents to pursue and apprehend either the sex worker or the non violent, non abusive clients, employers or associates of the sex workers, when the sex worker has NOT filed a criminal complaint against them. It is a waste of valuable court time to prosecute people who are neither victims or predators, when the police and courts are unable to pursue, apprehend, prosecute and punish the millions of alleged rapists (not to mention those who commit domestic violence) for the millions of **REPORTED** cases of violent rape and sexual assault where a victim asked for help.

[According to the FBI Bureau of Justice Statistics, from 1991 to 2014, there were 6,251,076 REPORTED](#) violent rapes and sexual assaults, but the police across the US were able to solve only about 10.4% of those cases (annually it averages 5% to 6%), leaving **5,599,969 UNSOLVED** cases. During that same time, cops arrested **1,899,878** adults for engaging in prostitution where NO victim asked for help. They also arrested 30,625 minors, or about 1.61% of all arrests for prostitution. You might want to check out this updated report (2012) from "The Crimes Against Children Research

Center" [http://www.unh.edu/ccrc/pdf/CV279\\_Revised\\_Sex\\_Trafficking\\_Bulletin.pdf](http://www.unh.edu/ccrc/pdf/CV279_Revised_Sex_Trafficking_Bulletin.pdf) which puts to rest the specious claim that there are "300,000 children being trafficked into prostitution every year."

Yes, society is right to be concerned about the sexual exploitation of children, but did you know that according to the [2001 report "Commercial Sexual Exploitation of Children in the US, Canada and Mexico"](#) (page 92- 93) - the same report used to make the false claim that the 'average age of entry into prostitution is 12/13/14' but is a study of CHILDREN and no adults were included in the research- of all the cases of child sexual exploitation, **96% of those cases are at the hands of someone the child knows and trusts- and only 4% is at the hands of strangers, not all of whom are seeking to pay for the sexual services of minors?**

The predators for **96% of all victims of child sexual exploitation** are "...persons known either to the child or the child's family-- **96% by acquaintances (e.g., neighbors, teachers, coaches, physicians), or by members of the child's own family (e.g., fathers, step-fathers, uncles, older siblings).** Contrary to widely held belief, only a small number of substantiated child sexual assault are committed by strangers (DoJ, 2000b:29). ...strangers commit fewer than 4% of all sexual assaults against children.."

There are far more child victims of pedophile cops than there are children who are victims of sex trafficking:

[PEDOPHILES AND CHILD PORN- THE COPS, JUDGES, DAs, FBI AGENTS, SECRET SERVICE AGENTS AND OTHER GOVERNMENT EMPLOYEES WHO CAN'T KEEP THEIR HANDS OFF MINORS](#)

Okay, you say, but what about the claims that all or most prostitutes are victims of rape and violence at the hands of their 'johns' or 'pimps'?

Unfortunately sex workers, like all other women in society, are vulnerable when it comes to rape and violence, including domestic violence. However, just as in the rest of society, the majority of sex workers are NOT victims, just as the majority of married women are not victims of domestic violence and spousal abuse.

Also unfortunately, because of the prohibition of our profession, many of the horrific cases of rape and violence we DO experience are at the hands of the law enforcement agents entrusted with 'protecting us' [COPS ROB RAPE EXTORT SOLICIT PIMP KILL SEX WORKERS](#)

From the few cases where the victims were able to file a report, we know that police abuse extends far beyond those involved in the sex industry - in the rape of adult women who are not sex workers;

## RAPISTS WITH BADGES GUNS AND HANDCUFFS

As for violence, how is it that society expects law enforcement agents to 'protect' sex workers (by arresting them) when there are so many cases of violent cops who beat and or kill their own families? (This does not include any reference to the charges of police brutality while cops are on the job) DOMESTIC VIOLENCE BY LAW ENFORCEMENT AGENTS: ASSAULT MURDER SUICIDE "*And while domestic violence occurs in about 10% of families overall, that rate doubles, perhaps quadruples, when we look at violence in police families. In two separate national studies, 40% of police officers self-reported that they had used violence against their domestic partners within the last year.*"

If the solution to protecting sex workers who may be exposed to violence and rape at the hands of their 'johns' or 'pimps' is to arrest them, send them to jail or prison, or to arrest their 'johns' and 'pimps' when they have not filed a criminal complaint against their john or pimp, why wouldn't we apply that solution to protect wives of cops, or to protect [non sex working] women who are victims of rape? With so much violence within law enforcement personal relationships, should we not prevent women (or men) from marrying cops?

Much more information and statistics directly from the FBI Bureau of Justice Statistics can be found on my website:

[www.policeprostitutionandpolitics.com](http://www.policeprostitutionandpolitics.com)

and in particular, on these pages:

OPERATION DO THE MATH- NUMBERS MATTER UPDATED

FACTS AT YOUR FINGERTIPS -THE TRUTH ABOUT SEX TRAFFICKING

2011- 2014 OPERATION CROSS COUNTRY - THE LIES THE STATS THE QUESTIONS

and on these posters I've created to provide quick access to the facts from the government:

"Sex Workers and the 'Swedish' Model"

"Meet Our 'Johns'"

"Meet My Pimp"

"Top 10 Feminist Lies about Sex Work

Where are your priorities?

OPERATION DO THE MATH #1

OPERATION DO THE MATH # 2

OPERATION DO THE MATH #3

Melissa Farley's Magic Math-"15%= all buyers of sex"

"Cops- Hard-ons- Handcuffs and Hookers"

"Beware of Predators- Liars and Hypocrites- They are EVERYWHERE"

"NHI'S- That's What Cops Call Murdered Prostitutes



You may reach me at [normajeanalmodovar@gmail.com](mailto:normajeanalmodovar@gmail.com), by phone at [\(818\) 892-2029](tel:(818)892-2029).

Sincerely,

Norma Jean Almodovar

Executive Director, COYOTE LA

March 21th 2016

My name is Bella Robinson. I am the executive director of the Rhode Island Chapter of Call Off Your Old Tired Ethics (CoyoteRI). I am a board member of the Erotic Service Providers Educational & Research Project (ESPLERP) I am also a member of The Erotic Service Providers Union (ESPU)

My Bio [is here](#)

We oppose HB-1902. As experts on the topic of sex trafficking and sex work, we can already see that HB-1902 will cause more harm than good. We find it to be an irresponsible approach to keeping minors out of the sex industry.

We oppose creating a statewide witness program. We have already seen this tactic used by the FBI to enable them to get minors to provide false testimony. The lead FBI agent even lied under oath to a grand jury. The FBI agent was also caught lying about a minor being kidnapped to file a fraudulent victim compensation application. This caused 30 men to be arrested and many of them could not afford to bond out of jail. This was a 3 to 8 year fight and the courts ruled that there was no sex trafficking, nor was there a Somali gang, kidnapping teenagers and forcing them into prostitution.

### **[The Biggest Sex-Trafficking Bust in FBI History Was Totally Bogus](#)**

**How two troubled teens and a cop with a cause got dozens of Somali immigrants on the hook for child sex trafficking.**

**<http://reason.com/blog/2016/03/04/the-somali-sex-slave-ring-that-wasnt>**

The FBI chose to target Somali immigrants, who are already marginalized members of society. These false myths about gangs related to sex trafficking have already spread across the US and trafficking NGOs are now training the public to profile people by race to identify trafficking victims. [From teaching TSA workers to profile Asian, Korean and Chinese women](#), to homeland security [training hotel staff to report people who have too many condoms](#).

In Alaska, Tara Burns from **Community United for Safety and Protection (CUSP)** discovered that they [over reported 602 prostitution arrests that never happened](#).

In 2014, a research project by the Urban Justice Institute interviewed, almost 300 people who all entered into survival sex as minors. They report that they could not get access to shelter or any other vital services from the state. The majority of the youth report that they do not have pimps and they teach each other how to find clients, while avoiding social worker.

Surviving the streets of NY: Experiences of LGBTQ Youth, YMSM & YWSW Engaged in Survival Sex.

<http://www.urban.org/UploadedPDF/2000119-Surviving-the-Streets-of-New-York.pdf>

Half the youths report that the police are forcing them to have sex in lieu of arrest.

<https://newrepublic.com/article/128028/child-sex-workers-biggest-threat-police>

Safe Harbor laws are failing our youth straight across the board. Many teenagers are being charged with sex trafficking of other teenagers

[The Dangers of "Safe Harbor " Laws for Youth in the Sex Trades 2016](#)

**Another reason we oppose HB-1902** is because it changes “promoting prostitution” to sex trafficking and reclassifies it as a violent offense. It is important that sex workers are able to work together and share space to ensure their safety. Over the past few years we have seen bill after bill, that discriminates and creates more violence toward sex workers. Under current laws there is no way that people involved in prostitution to report violence or tips on trafficking to law enforcement without fear of arrest. Yet we have seen a rapid increase of police officers raping sex workers and women and children.

COPS ROB RAPE EXTORT SOLICIT PIMP KILL SEX WORKERS

[http://policeprostitutionandpolitics.com/index.php?option=com\\_content&view=article&id=137%3A](http://policeprostitutionandpolitics.com/index.php?option=com_content&view=article&id=137%3Aacops-who-rape-prostitutes&catid=1%3Alatest-news&Itemid=50)

[Acops-who-rape-](http://policeprostitutionandpolitics.com/index.php?option=com_content&view=article&id=137%3Aacops-who-rape-prostitutes&catid=1%3Alatest-news&Itemid=50)

[prostitutes&catid=1%3Alatest-news&Itemid=50](http://policeprostitutionandpolitics.com/index.php?option=com_content&view=article&id=137%3Aacops-who-rape-prostitutes&catid=1%3Alatest-news&Itemid=50)

[RAPISTS WITH BADGES GUNS AND HANDCUFFS](#)

[PEDOPHILES AND CHILD PORN- THE COPS, JUDGES, DAs, FBI AGENTS, SECRET SERVICE AGENTS AND OTHER GOVERNMENT EMPLOYEES WHO CAN'T KEEP THEIR HANDS OFF MINORS](#)

[TRUE STORIES OF RAPIST/PEDOPHILE COPS OUT OF CONTROL AND THE JUSTICE SYSTEM THAT FAILS THE VICTIMS](#)

**We also oppose HB-1902 because of the following language.**

"(5) This section shall not apply to any member of a police department, a sheriff, or a law enforcement officer acting in the course and scope of duties, unless engaged in sexual penetration or sadomasochistic abuse."

In 2015, the ACLU put the pressure on and this loophole for the police was abolished and we are outraged that the state of Hawaii wants to allow police officers to "abuse" sex workers, under the guise of arresting or rescuing them.

<http://time.com/38444/hawaii-police-prostitutes-sex/>

Once the police officers lost their loophole that allowed them to abuse sex workers, they immediately started sadomasochistic abuse of sex workers, by arresting spa workers for sexual assault, which would have resulted in them having to register as sex offenders for life. Even the prosecutor knew this was overreaching for law enforcement and all the charges were dropped.

[http://www.huffingtonpost.com/2015/05/06/honolulu-police-prostitution-sting\\_n\\_7227518.html](http://www.huffingtonpost.com/2015/05/06/honolulu-police-prostitution-sting_n_7227518.html)

**As a educator who is an expert on prostitution and trafficking**, I regularly present for women gender studies and criminal justice students at UNH, Rutgers, Southern CT University and Brown University. I have to wonder what compelling reason does the state have in passing more legislation, that discriminates and promotes violence toward sex workers, while doing little to to keep minors out of the sex industry. The US currently funds trafficking NGOs with over 686 million a year and none of them provide direct services to minors or adult women who want to exit the sex industry. There is no affordable housing, jobs that pay a living wage or a higher education without debt.

[Special Report: Money and Lies in Anti-Human Trafficking NGO](#)

Here you can see [45 trafficking victims from 32 states and 90% of them were arrested, not rescued.](#) Some have been arrested 20 to 30 times and services were only offered to those who played the victim role.

CoyoteRI is made up of local sex workers and trafficking victims. So far we have interviewed 43 New England sex workers. 1/3 of them report that the police are robbing them.

Similar research was conducted in Alaska

People in Alaska's Sex Trade:

Their Lived Experiences And Recommendations

<http://www.sextraffickingalaska.com/pdfs/AKSWR.pdf>

US Sex Workers from coast to coast are organizing and demanding their rights. A landmark case was filed in CA in March 2015, challenging if CA prostitution laws are unconstitutional and is currently awaiting Judge White's Decision. See more about ESPLERP v GASCON at [www.eslerp.org](http://www.eslerp.org)

JERALD L MOSELY former deputy attorney general - DECRIMINALIZE SEX WORK.  
[https://www.youtube.com/watch?v=fdSnAz6WH\\_Q&feature=youtu.be](https://www.youtube.com/watch?v=fdSnAz6WH_Q&feature=youtu.be)

We hope that the legislators would consider the policy agenda we have drafted..

**Erotic Service Providers Legal Education and Research Project (ESPLERP) [2016 Policy Agenda](#)**

Thank You  
Bella Robinson  
[bella@coyoteri.org](mailto:bella@coyoteri.org)

@CoyoteRI Coyoteri.org

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 21, 2016 8:44 AM  
**To:** JDLTestimony  
**Cc:**  
**Subject:** Submitted testimony for HB1902 on Mar 22, 2016 09:00AM

### **HB1902**

Submitted on: 3/21/2016

Testimony for JDL on Mar 22, 2016 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Beatriz Cantelmo	Individual	Oppose	Yes

Comments: Beatriz Cantelmo 3593 Akaka Place Honolulu HI 96822 Phone: 608-421-3135 Email: beacantelmo@yahoo.com Honolulu, March 21st, 2016 Aloha Members of the Senate Committee on Judiciary and Labor of the state of Hawai'i: My name is Beatriz Cantelmo. I am the Organizer/ Chair for Amnesty International Honolulu Chapter. Today, I am reaching out to you as a resident of the state of Hawaii and also as a constituent who resides in the Manoa neighborhood to request that you OPPOSE HB 1902. I do wish, however, to inform you that I have contacted AI USA leadership team regarding HB 1902 because of AI global stand on decriminalization of sex work. AI USA Senior Director for Identity and Discrimination Unit, Ms. Tarah Demant. Ms. Demant sent a request for Amnesty International's International Secretariat research team, who are based in London, to review HB 1902. Since this is a new area of work for AI, combined with the fact that we don't have any precedent from which AI USA can use, AI International Secretariat is the lead on all of policy response on this topic. HB 1902 is a complex bill and it is unfortunate that AI did not have enough time to be able to make the full legal assessment of HB 1902 that would be required prior to be able to publicly make a statement about it. That is the reason why we were not able to provide you with an official testimony on HB 1902. As you read my personal testimony opposing HB 1902, please do take in account that on August 11th, 2015, Amnesty International took a global position re. decriminalization of sex work. We launched a global campaign to provide more education, awareness and also to create policies to protect the human rights of sex workers, while also ensuring that sex trafficking is properly addressed. As a global movement, AI has voted to direct the board to adopt a policy of decriminalization. The final policy is being re-drafted and edited now and WILL CALL FOR FULL DECRIMINALIZATION OF SEX WORK. The policy is scheduled to be released in 2-3 months. I want to clarify that I do not support sex and human trafficking and believe that laws and policies should be created and enforced all over the world to ensure that those who are impacted by such horrific situations be protected and supported, and that their perpetrators be persecuted. Having that said, I cannot support HB 1902 on its current form, for several reasons. HB 1902 criminalizes sex workers, on several instances. From "promoting prostitution" to sex trafficking, by reclassifying sex work as a violent offense, and by allowing law enforcement to sexually assault sex workers prior to arresting them and being given exemption from the state of Hawaii to be able to do so. Globally, sex workers are the most marginalized groups in the world. In many countries, they are threatened with a whole host of abuses, including rape, beatings, trafficking, extortion forced eviction and discrimination, including exclusion from health services. More often than not, they get no, or very little, legal protection. In fact, in many cases these violations and abuses are carried out by the police, clients and abusive third parties. Criminalizing their trade will only increase the likelihood of these

men and women to continue to be marginalized and abused. Decriminalizing sex work would not mean removing criminal penalties for trafficking. There is no evidence to suggest that decriminalization results in more trafficking. In fact, globally, the consensus is that decriminalization helps tackle trafficking, for the following reasons: when sex work is decriminalized, sex workers are better able to work together and demand their rights, leading to better working conditions and standards and greater oversight of commercial sex and potential trafficking within it. When sex workers are not threatened with criminalization, sex workers are also able to collaborate with law enforcement to identify traffickers and victims of trafficking. It is least likely that they will reach out to law enforcement when they run the risk of being persecuted or when their trade is criminalized. The largest organizations on the globe who serve and provide reliable data and services to sex and human trafficked victims AGREE that DECRIMINALIZATION OF SEX WORKERS HAS A POSITIVE ROLE TO PLAY IN TIGHTENING SEX TRAFFICKING. These organizations are: Global Alliance Against Trafficking in Women, Anti-Slavery International and International Labor Organization. For more information on this, please do check: <https://www.amnesty.org/.../qa-policy-to-protect-the-human-r.../>

HB 1902 gives exemptions from persecution to any member of a police department, a sheriff, or a law enforcement officer can have sexual contact with a sex worker while on duty before arresting them. “(5) This section shall not apply to any member of a police department, a sheriff, or a law enforcement officer acting in the course and scope of duties, unless engaged in sexual penetration or sadomasochistic abuse.” Having such provisions allowed and enforced in the state of Hawaii are not only unacceptable, but it opens precedent for more police abuse and use of force, victimization and discrimination of sex workers. Hawaii's Prostitution Exemption for Cops Hawaii's Prostitution Exemption for Cops Hawaii's lawmakers close a legal loophole that allowed police officers to have sex with prostitutes. View on [www.cc.com](http://www.cc.com) Preview by Yahoo Even Mrs. Xian, P.A.S.S. Executive Director and one of the biggest supporters of HB 1902 disagrees with law enforcement being able to have sex contact with sex workers. "A sex assault charge "completely disrupts the trust we've fostered over the last several years with law enforcement," Xian said. "It also sends the message to the victims that they can never ever look to law enforcement for help." Honolulu police use sex assault charge in prostitution sting Honolulu police use sex assault charge in prostitution s...

HONOLULU (AP) — About a dozen women arrested over the weekend in a Honolulu prostitution sting at massage parlors won't be charged with prostitution. Instead, th... View on [news.yahoo.com](http://news.yahoo.com) Preview by Yahoo In 2015, the ACLU put the pressure on and this loophole for the police was abolished. I am appalled that the state of Hawaii wants to allow police officers to “abuse” sex workers, under the guise of arresting or rescuing them. Hawaii Police Won't Get to Have Sex With Prostitutes Anymore Hawaii Police Won't Get to Have Sex With Prostitutes Any... Police in state signaled this week that they're willing to drop their objections to nixing a bizarre provision in the state's law that allows officers to have sex w... View on [time.com](http://time.com) Preview by Yahoo Women Charged With Sexual Assault In Honolulu Prostitution Sting Women Charged With Sexual Assault In Honolulu Prostitu...

HONOLULU (AP) — About a dozen women arrested over the weekend in a Honolulu prostitution sting at massage parlors won't be charged with prostitution. Ins... View on [www.huffingtonpost.com](http://www.huffingtonpost.com) Preview by Yahoo Approaching minors who agree or offer to engage in sexual conduct with another person for a fee as a violation, and subject this individual to the jurisdiction of family court who will then handle the matter as a criminal offense pursuant to section ( 571-11(1), including for the purposes of custody, detention, diversion and access to services and resources are not going to help minors out of the sex industry is an inefficient approach to assist them in exiting the sex working industry. Moreover, this type of approach makes this group more vulnerable and exposed to physical and sexual violence, arbitrary arrest and detention, extortion and harassment, human trafficking, forced HIV testing and medical interventions. Criminalizing youth sex workers makes it harder for them to obtain employment of their choice. The global consensus is that policies must be created so that in addition to decriminalization practices to empower women, youth or any other marginalized group in order to ensure that no one has to undertake sex work in order to survive, if they so choose. States must provide adequate and timely access to support - for example, state benefits, education

and training and/or alternative employment and affordable housing. And these types of benefits should not be mandatory either. In 2014, a research project by the Urban Justice Institute interviewed, almost 300 people who all entered into survival sex as minors. They report that they could not get access to shelter or any other vital services from the state. The majority of the youth report that they do not have pimps and they teach each other how to find clients, while avoiding social worker. Surviving the streets of NY: Experiences of LGBTQ Youth, YMSM & YWSW Engaged in Survival Sex. <http://www.urban.org/UploadedPDF/2000119-Surviving-the-Streets-of-New-York.pdf> Half the youths report that the police are forcing them to have sex in lieu of arrest. Child Sex Workers' Biggest Threat: The Police Child Sex Workers' Biggest Threat: The Police Most minors in the sex industry are not kidnapping victims who need to be saved from organized rings of predatory criminals. View on [newrepublic.com](http://newrepublic.com) Preview by Yahoo I also ask that you please consider the following information: Special Report: Money and Lies in Anti-Human Trafficking NGOs Special Report: Money and Lies in Anti-Human Trafficking NGOs Special Report: Money and Lies in Anti-Human Trafficking... Despite enormous budgets, it's not clear anti-trafficking organizations can possibly be accomplishing what they claim. View on [www.truth-out.org](http://www.truth-out.org) Preview by Yahoo Please note that from 45 trafficking victims from 32 states, 90% of them were arrested, not rescued. Some have been arrested 20 to 30 times and services were only offered to those who played the victim role. In closing, I hope you will consider the expertise of well-known, credible and respected organizations such as Amnesty International, the World Health Organization, UN AIDS, the UN Special Rapporteur on the Right to Health and other UN agencies when continuing to work with laws that not only protects sex workers from criminalization and discrimination, but also create policies that can ensure proper protection of sex and human trafficked survivors when that is the case. Linking all sex workers with being either sex trafficked victim or a criminal is not the answer. You also must listen to the voices of sex workers when creating policies that will directly impact them as a group. Their human rights must be protected and taken into account, as well as their experiences. Please consider what New Zealand has done to decriminalize sex work, along with the data and results of such measures. <http://www.legislation.govt.nz/act/public/2003/0028/latest/DLM197815.html> Decriminalising sex work in New Zealand: its history and impact Decriminalising sex work in New Zealand: its history and... The New Zealand experience of decriminalised sex work offers a practical alternative to the often-cited Swedish Model. Might it point to a more general way forward? View on [www.opendemocracy.net](http://www.opendemocracy.net) Preview by Yahoo Please consider UN report calling for decriminalization of sex work and Amnesty International position on decriminalization of sex work as you consider new policies that takes into account domestic and global movement to protect the human rights of sex workers, while ensuring that sex and human trafficking are also properly addressed: <http://www.washingtontimes.com/news/2012/oct/24/un-report-calls-decriminalizing-prostitution/?page=all> <https://www.amnesty.org/.../qa-policy-to-protect-the-human-r.../> <https://www.amnesty.org/.../global-movement-votes-to-adopt-p.../> <https://www.amnesty.org/.../policy-on-state-obligations-to-r.../> <https://www.amnesty.org/.../sex-workers-rights-are-human-rig.../> Should you have any questions, or would like to reach me, please feel free to send me an email, or to call me at: 608-421-3135. In kindness and solidarity, we all thrive. -Beatriz Cantelmo

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)



---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 18, 2016 7:31 PM  
**To:** JDLTestimony  
**Cc:**  
**Subject:** \*Submitted testimony for HB1902 on Mar 22, 2016 09:00AM\*

**HB1902**

Submitted on: 3/18/2016

Testimony for JDL on Mar 22, 2016 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Blair	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 21, 2016 9:22 AM  
**To:** JDLTestimony  
**Cc:**  
**Subject:** \*Submitted testimony for HB1902 on Mar 22, 2016 09:00AM\*

**HB1902**

Submitted on: 3/21/2016

Testimony for JDL on Mar 22, 2016 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)