

STAND. COM. REP. NO.

1542

Honolulu, Hawaii

APR 07 2017

RE: H.B. No. 1099
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1099, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO REPORTS OF CHILD ABUSE,"

begs leave to report as follows:

The purpose and intent of this measure is to bring the State
in compliance with the Justice for Victims of Trafficking Act of
2015, Public Law 114-22, and the Child Abuse Prevention and
Treatment Act of 2010, Public Law 111-320, by:

- (1) Amending the definition of "child abuse or neglect" to ensure that mandated reporters of child abuse and neglect report to the Department of Human Services known or suspected child victims of sex trafficking;
- (2) Ensuring that child abuse and neglect reports that are expunged may be retained by the Department of Human Services for future risk and safety assessment purposes; and
- (3) Replacing references to unsubstantiated reports with not confirmed reports.

Your Committee received testimony in support of this measure from the Department of Human Services, Family Programs Hawaii, and



IMUAlliance. Your Committee received testimony in opposition to this measure from the Community Health Outreach Work to Prevent AIDS Project, Harm Reduction Hawaii, Hawaii Family Advocacy Team, National Family Advocacy Team, and one individual. Your Committee received comments on this measure from one individual.

Your Committee finds that to bring the State in compliance with the Justice for Victims of Trafficking Act of 2015, Public Law 114-22, the mandatory reporting of child abuse by certain reporters should be expanded to include reports on known or suspected child victims of sex trafficking. Your Committee also finds that to comply with the Child Abuse Prevention and Treatment Act of 2010, Public Law 111-320, it is necessary to allow the Department of Human Services to retain reports of child abuse and neglect, which are expunged from the State's central registry of reported child abuse and neglect cases, for future risk and safety assessment purposes.

Your Committee has amended this measure by:

- (1) Replacing the definition of "sex trafficking" with the definition of "sex trafficking" in section 712-1202(1)(b), Hawaii Revised Statutes;
- (2) Deleting references to "severe forms of trafficking in persons";
- (3) Requiring mandated reporters of child abuse and neglect to report acts or omissions of any person that have resulted in sex trafficking, rather than acts or omissions of any person that have resulted in a child who is subjected to sex trafficking or severe forms of trafficking in persons;
- (4) Specifying that records and information contained in child abuse and neglect reports that are expunged may be retained by the Department of Human Services solely for future risk and safety assessment purposes;
- (5) Inserting an effective date of January 7, 2059, to encourage further discussion; and



- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1099, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1099, H.D. 1, S.D. 2.

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



GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 1099 HD1 SD1	Committee Referral: HMS, JDL	Date: 4/4/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				/
KIM, Donna Mercado	/			
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes