

MAR 09 2018

SENATE CONCURRENT RESOLUTION

URGING HAWAII'S CONGRESSIONAL DELEGATION AND THE UNITED STATES
CONGRESS TO SUPPORT LEGISLATION AMENDING SECTION 230 OF THE
COMMUNICATIONS DECENCY ACT OF 1996 TO PROTECT VICTIMS OF
SEX TRAFFICKING.

1 WHEREAS, sex trafficking involves the commercial sexual
2 exploitation of adults through force, fraud, or coercion, or the
3 commercial sexual exploitation of children; and
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5 WHEREAS, a 2001 study by the Coalition Against Trafficking
6 in Women funded by the United States Department of Justice found
7 that violence was an intrinsic part of sex trafficking; and
8

9 WHEREAS, the Coalition Against Trafficking in Women further
10 found that eighty-six percent of American trafficking victims
11 reported being physically abused by pimps and traffickers and
12 seventy percent of American trafficking victims reported being
13 sexually assaulted by pimps and traffickers; and
14

15 WHEREAS, victims of sex trafficking also suffer from
16 complex emotional and psychological trauma, including post-
17 traumatic stress disorder, depression, anxiety, dissociation,
18 parasuicidal behavior, and substance abuse; and
19

20 WHEREAS, a 2015 survey conducted by Thorn, an international
21 nongovernmental organization focused on the role of internet
22 technology in child sexual exploitation, found that up to
23 seventy-five percent of sex trafficking survivors reported being
24 sold for sex online; and
25

26 WHEREAS, according to the Thorn survey, the most common
27 websites on which victims reported being sold included Backpage,
28 Craigslist, and Facebook; and
29



1 WHEREAS, the National Center for Missing and Exploited
2 Children estimates that seventy-three percent of the child
3 trafficking reports it receives annually involve Backpage; and
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5 WHEREAS, a 2017 investigation by the United States Senate
6 revealed that the operators of Backpage had helped the website's
7 customers modify advertisements for sexual services to delete
8 references to teenage prostitution to avoid prosecution; and
9

10 WHEREAS, in 2017, the Washington Post reported that
11 Backpage contracted a company in the Philippines to solicit and
12 create advertisements for prostitutes from competing websites;
13 and
14

15 WHEREAS, civil and criminal cases brought against Backpage
16 by victims of sex trafficking have been dismissed because of
17 Section 230 of the Communications Decency Act, which provides
18 that "No provider or user of an interactive computer service
19 shall be treated as the publisher or speaker of any information
20 provided by another information content provider"; and
21

22 WHEREAS, in 2017, a bipartisan group of United States
23 senators introduced the Stop Enabling Sex Traffickers Act, which
24 would exclude enforcement of federal or state sex trafficking
25 laws from the immunity provisions of Section 230 of the
26 Communications Decency Act; and
27

28 WHEREAS, a bipartisan group of United States
29 representatives introduced the Allow States and Victims to Fight
30 Online Sex Trafficking Act of 2017, which would also exclude
31 enforcement of federal or state sex trafficking laws from the
32 immunity provisions of Section 230 of the Communications Decency
33 Act; and
34

35 WHEREAS, in 2016, Hawaii enacted Act 206, Session Laws of
36 Hawaii 2016, which established the crime of sex trafficking; and
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38 WHEREAS, Hawaii is committed to protecting children from
39 sexual exploitation; now, therefore,
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41 BE IT RESOLVED by the Senate of the Twenty-ninth
42 Legislature of the State of Hawaii, Regular Session of 2018, the



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1 House of Representatives concurring, that Hawaii's congressional
 2 delegation and the United States Congress are urged to support
 3 legislation to protect victims of sex trafficking by excluding
 4 enforcement of federal or state sex trafficking laws from the
 5 immunity provisions of Section 230 of the Communications Decency
 6 Act; and

7
 8 BE IT FURTHER RESOLVED that certified copies of this
 9 Concurrent Resolution be transmitted to the Majority Leader of
 10 the United States Senate, Speaker of the United States House of
 11 Representatives, Minority Leader of the United States Senate,
 12 Minority Leader of the United States House of Representatives,
 13 and members of Hawaii's congressional delegation.
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 15
 16

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