

MAR 09 2018

S.R. NO. 113

---

## SENATE 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  
4

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

30 WHEREAS, the National Center for Missing and Exploited  
31 Children estimates that seventy-three percent of the child  
32 trafficking reports it receives annually involve Backpage; and  
33



1 WHEREAS, a 2017 investigation by the United States Senate  
2 revealed that the operators of Backpage had helped the website's  
3 customers modify advertisements for sexual services to delete  
4 references to teenage prostitution to avoid prosecution; and  
5

6 WHEREAS, in 2017, the Washington Post reported that  
7 Backpage contracted a company in the Philippines to solicit and  
8 create advertisements for prostitutes from competing websites;  
9 and  
10

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

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

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

31 WHEREAS, in 2016, Hawaii enacted Act 206, Session Laws of  
32 Hawaii 2016, which established the crime of sex trafficking; and  
33

34 WHEREAS, Hawaii is committed to protecting children from  
35 sexual exploitation; now, therefore,  
36

37 BE IT RESOLVED by the Senate of the Twenty-ninth  
38 Legislature of the State of Hawaii, Regular Session of 2018,  
39 that Hawaii's congressional delegation and the United States  
40 Congress are urged to support legislation to protect victims of  
41 sex trafficking by excluding enforcement of federal or state sex



# S.R. NO. 113

1 trafficking laws from the immunity provisions of Section 230 of  
2 the Communications Decency Act; and

3  
4 BE IT FURTHER RESOLVED that certified copies of this  
5 Resolution be transmitted to the Majority Leader of the United  
6 States Senate, Speaker of the United States House of  
7 Representatives, Minority Leader of the United States Senate,  
8 Minority Leader of the United States House of Representatives,  
9 and members of Hawaii's congressional delegation.  
10  
11  
12

OFFERED BY:

*Clarence K. Kishida*  
*[Signature]*  
*W. L. King*

*Ron F. R.*  
*Paul K. K.*  
*J. L. B. B.*  
*[Signature]*  
*Bruce K. K.*  
*Grainey. F. F.*  
*Will F. F.*  
*Ann M. M.*  
*[Signature]*  
*Randy H. B.*  
*Mike G. G.*  
*[Signature]*  
*[Signature]*

