



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

ON THE FOLLOWING MEASURE:

H.B. NO. 2573, RELATING TO SEX TRAFFICKING.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

LATE

DATE: Thursday, January 30, 2020

TIME: 2:45 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Clare E. Connors, Attorney General, or
Lance Goto, Deputy Attorney General

Chair Lee and Members of the Committee:

The Department of the Attorney General (Department) supports this bill.

The purpose of this bill is to remove the statute of limitations for sex trafficking offenses by amending section 701-108(1), Hawaii Revised Statutes (HRS), to add the offense of sex trafficking to the list of offenses for which prosecution may be commenced at any time.

Section 712-1202(1), HRS, defines the offense of sex trafficking as follows:

- (1) A person commits the offense of sex trafficking if the person knowingly:
 - (a) Advances prostitution by compelling or inducing a person by force, threat, fraud, or intimidation to engage in prostitution, or profits from such conduct by another; or
 - (b) Advances or profits from prostitution of a minor; provided that with respect to the victim's age, the prosecution shall be required to prove only that the person committing the offense acted negligently.

As a class A felony offense, the offense must be prosecuted within six years after it is committed. This statute of limitations applies, even when the sex trafficking involves a minor child or a person subjected to threats, intimidation, or other efforts to control or restrict the victim's behavior.

While the egregious offense of sex trafficking is subject to a six-year statute of limitations, other offenses are not restricted by such time limitations and may be prosecuted at any time. Section 701-108(1), HRS, provides:

A prosecution for murder, murder in the first and second degrees, attempted murder, and attempted murder in the first and second degrees, criminal conspiracy to commit murder in any degree, criminal solicitation to commit murder in any degree, sexual assault in the first and second degrees, and continuous sexual assault of a minor under the age of fourteen years may be commenced at any time.

There is no statute of limitations for sexual assault of a minor, but sex trafficking of a minor cannot be prosecuted after six years. This inconsistency in the law needs to be corrected.

The federal trafficking law, 18 U.S.C. § 1591, which criminalizes sex trafficking by force, fraud, coercion, or the sex trafficking of a minor, does not have a statute of limitation. See 18 U.S.C. § 3299.

Twenty-two states do not have a statute of limitations for sex trafficking or human trafficking of a minor.

The Office for Victims of Crime, Training and Technical Assistance Center, part of the U.S. Department of Justice, prepared a Human Trafficking Resource Paper that describes human trafficking as follows:

Human trafficking, modern-day slavery, is a crime against the world's most vulnerable individuals. Traffickers may abduct, deceive, use, and sell men, women, and children for profit or personal gain. Victims are treated as commodities who often endure physical and/or sexual brutality, exploitation, and mental and emotional abuse. As a result of this trauma, victims may experience multiple, long-lasting consequences.

This bill focuses on sex trafficking, where a person is induced to engage in prostitution through force, fraud, or coercion or a minor is subjected to prostitution. Sex trafficking victims are both U.S. citizens and foreign nationals. Sex trafficking has no geographic boundaries or demographic restrictions. The Human Trafficking Resource Paper notes:

In many cases trafficking victims are exploited by people known to them – neighbors, distant relatives, boyfriends, lovers, or fiancés – who build on trusting

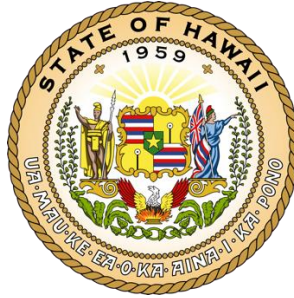
relationships in order to gain control of the victim. Labor and sex trafficking victims are often told that if they try to escape, their families will be harmed. The traffickers instill fear in victims with threats of deportation, law enforcement harm, personal exposure, and other punishments.

Sex trafficking victims who are from foreign countries must also deal with language barriers and cultural differences. Often such victims have a distrust of authority and law enforcement.

For all of these reasons, many sex trafficking victims, whether adults or children, do not identify themselves as victims or are unable to disclose the victimization until much later, when they have been removed from the life of the trafficker, and have received extensive counseling or other trauma services.

By eliminating the statute of limitations for sex trafficking, this measure recognizes the numerous issues faced by sex trafficking victims and provides the time it takes for them to work through those issues, to understand their victimization, and develop the strength and courage to report the trafficking. Additionally, it recognizes that human sexual slavery is a heinous crime that exploits the most vulnerable people in the U.S. and abroad.

The Department respectfully requests that this measure be passed.



LATE

Testimony on behalf of the
Hawai'i State Commission on the Status of Women
Khara Jabola-Carolus, Executive Director

Ke Kōmike Ho'okolokolo

In Support of HB2573

Thursday, January 30, 2019, at 2:45 p.m. in Room 325

Aloha e Luna Ho'omalua/Chair Lee a Hope Luna Ho'omalua/Vice Chair San Buenaventura,

The Hawai'i State Commission on the Status of Women writes in support of HB2573, which authorizes a prosecution for sex trafficking to be commenced at any time.

Sex trafficking is a class A felony in Hawai'i, and prosecution must be commenced within six years after it is committed. This expectation is unrealistic. Sex trafficking victims face significant barriers to disclosing their victimization to legal authorities and in seeking support. Most trafficking victims are unable to disclose or prove there are trafficking victims due to fear of retaliation from a trafficker or buyer, physical harm inflicted by the trafficker, economic dependency upon the trafficker, family connections with their trafficker (children, parents), emotional manipulation, trafficker-controlled finances or legal documents, language barriers, fear of police, unawareness of their legal status as a "victim," and stigma. Accordingly, the Commission requests that the Committee pass HB2573.

Sincerely,
Khara Jabola-Carolus

Justin F. Kollar
Prosecuting Attorney

Jennifer S. Winn
First Deputy



Rebecca Vogt Like
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
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**THE HONORABLE CHRIS LEE, CHAIR
THE HONORABLE JOY A. SAN BUENAVENTURA, VICE CHAIR
HOUSE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2020
State of Hawai'i**

January 30, 2020

RE: H.B. 2573; RELATING TO SEX TRAFFICKING.

Chair Lee, Vice Chair San Buenaventura, and members of the House Committee on Judiciary, the Office of the Prosecuting Attorney of the County of Kaua'i submits the following testimony in support of H.B. 2573.

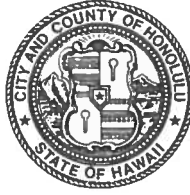
The purpose of H.B. 2573 is to authorize a prosecution for sex trafficking to be commenced at any time.

Sex trafficking goes largely unnoticed and unaddressed in our community. Survivors generally delay reporting the crimes committed against them, and many never report the crimes. Victims often feel complicit and shamed as a result of what they have been through. Survivors often require trauma-informed care and other forms of counseling before feeling empowered to speak out. Because of the delays in reporting, and lengthy and complex investigation required to build cases against traffickers, sex trafficking is in the category of other offenses for which a prosecution may be commenced at any time, such as sexual assault or murder.

For these reasons, the Office of the Prosecuting Attorney supports the passage of H.B. 2573. Thank you for this opportunity to testify.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE PJ-LS

January 30, 2020

The Honorable Chris Lee, Chair
and Members
Committee on Judiciary
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: House Bill No. 2573, Relating to Sex Trafficking

I am Acting Major Phillip Johnson of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 2573, Relating to Sex Trafficking.

Many victims of sex trafficking are subjected to severe mental abuse. They are not aware of the extent of their victimization until years later, and only with counseling and maturity are they able to address the trauma of their abuse. Removing the statutes of limitation for offenders of sex trafficking and promoting prostitution will increase the likelihood of holding predators of these offenses accountable for their actions. As one of our most vulnerable populations, children must be afforded the highest level of protection.

The HPD urges you to support House Bill No. 2573, Relating to Sex Trafficking, and we thank you for the opportunity to testify.

APPROVED:

Sincerely,

A handwritten signature in black ink that reads "Susan Ballard".

Susan Ballard
Chief of Police

A handwritten signature in black ink that reads "Phillip Johnson".

Phillip Johnson, Acting Major
Narcotics/Vice Division



MICHAEL P. VICTORINO
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
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TIVOLI S. FAAUMU
CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

January 29, 2020

The Honorable Chris Lee, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
and Members of the Committee on Judiciary

House of Representatives
Hawaii State Capitol
Honolulu, Hawaii 96813

RE: House Bill No. 2573 – Relating To Sex Trafficking

Dear Chair Lee and Members of the Committee on Judiciary:

The Maui Police Department SUPPORTS the passage of H.B. No. 2573.

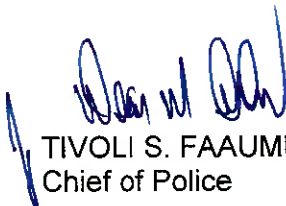
Sex trafficking offenses are often not easily identifiable while they are occurring. Victims are often exploited for long periods of time before being rescued and removed from their living conditions to receive extensive counseling and trauma services. Oftentimes, victims are coerced and helpless in reporting their situation. Victims often become dependent on the traffickers for emotional and physical survival and they often become accustomed to receiving attention and affection. Lifelong psychological scars are often retained by victims which in turn negatively impacts the victims' families and loved ones.

This bill would allow prosecutors to pursue criminal cases against sex traffickers regardless of when the offense was committed similar to other serious crimes committed against persons.

The Maui Police Department asks that you support the passage of H.B. No. 2573.

Thank you for the opportunity to testify.

Sincerely,


TIVOLI S. FAAUMU
Chief of Police



HB 2573, RELATING TO SEX TRAFFICKING

JANUARY 30, 2020 · HOUSE JUDICIARY
COMMITTEE · CHAIR REP. CHRIS LEE

POSITION: Support.

RATIONALE: IMUAlliance supports HB 2573, relating to sex trafficking, which authorizes a prosecution for sex trafficking to be commenced at any time.

IMUAlliance is one of the state's largest victim service providers for survivors of sex trafficking. Over the past 10 years, we have provided comprehensive direct intervention (victim rescue) services to 150 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation. Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily trauma bonded to her pimp that while under his grasp, she couldn't remember her own name. Yet, sadly, many of the victims with whom we work are misidentified as so-called "voluntary prostitutes" and are subsequently arrested and incarcerated, with no financial resources from which to pay for their release.

Sex trafficking is a profoundly violent crime. The average age of entry into commercial sexual exploitation in Hawai'i may be as low as 14-years-old, with 60 percent of trafficked children being under the age of 16. Based on regular outreach and monitoring, we estimate that approximately

150 high-risk sex trafficking establishments operate in Hawai'i. In a recent report conducted by the State Commission on the Status of Women, researchers from Arizona State University found that 1 in every 11 adult males living in our state buys sex online. When visitors are also counted, that number worsens to 1 in every 7 men walking the streets of our island home and a daily online sex buyer market of 18,614 for O'ahu and a total sex buyer population for the island of 74,362, including both tourists and residents.

ASU's findings are grim, but not surprising to local organizations that provide services to survivors of sex trafficking. IMUAlliance, for example, has trained volunteers to perform outreach to victims in high-risk locations, like strip clubs, massage parlors, and hostess bars. More than 80 percent of runaway youth report being approached for sexual exploitation while on the run, over 30 percent of whom are targeted within the first 48 hours of leaving home. With regard to mental health, sex trafficking victims are twice as likely to suffer from PTSD as a soldier in a war zone. Greater than 80 percent of victims report being repeatedly raped and 95 percent report being physically assaulted, numbers that are underreported, according to the United States Department of State and numerous trauma specialists, because of the inability of many victims to recognize sexual violence. As one underage survivor told IMUAlliance prior to being rescued, "I can't be raped. Only good girls can be raped. I'm a bad girl. If I *want* to be raped, I have to *earn* it."

Accordingly, we support measures to advance our state's ability to crack down on sexual slavery, including this measure's authorization of a prosecution for sex trafficking to be commenced at any time. As indicated above, sex trafficking victims are typically trauma bonded to their abusers. **Trauma-attached coercion is like Stockholm Syndrome, involving a powerful emotional dependency on the abusers and a shift in world- and self-view that results in feelings of gratitude and loyalty toward the abusers and a denial, dismissal, or minimization of the coercion, violence, and exploitation that victims have suffered.** Trauma-attached victims require placement in a coordinated continuum of care to "break" their trauma bonds, receive rehabilitative services, and reintegrate into society in a healthy manner. It is common for victims to need long-term care before recognizing the extent of the trauma they've suffered, much less feel emotionally and physically secure enough to participate in criminal investigations. Thus, to fully respect the needs of survivors and ensure that all victims of sexual exploitation may receive justice, we believe that the statute of limitations on sex trafficking cases should be eliminated.

HB-2573

Submitted on: 1/28/2020 3:19:04 PM

Testimony for JUD on 1/30/2020 2:45:00 PM

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

Comments:

Strongly support

HB-2573

Submitted on: 1/29/2020 5:46:56 PM

Testimony for JUD on 1/30/2020 2:45:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

HB-2573

Submitted on: 1/30/2020 12:50:33 PM

Testimony for JUD on 1/30/2020 2:45:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Andre Bisquera	Individual	Support	No

Comments: