

---

---

# A BILL FOR AN ACT

RELATING TO HUMAN TRAFFICKING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that children in the  
2 State are vulnerable to sex trafficking and commercial sexual  
3 exploitation. Foster children and runaways with histories of  
4 abuse and neglect are at particularly high risk. LGBTQ+ youth,  
5 immigrants, undocumented workers, and youth suffering from  
6 mental illnesses and substance abuse issues are also highly  
7 vulnerable. Victims are often lured into sex trafficking  
8 through emotional manipulation and control, force, fraud, or  
9 threats. Sexually exploited children most often do not have the  
10 ability or resources to escape and start a new life.

11           The legislature recognizes that, in the last decade, the  
12 commercial sexual exploitation of children has garnered greater  
13 attention in Hawaii and throughout the United States. The  
14 department of human services has received an increasing number  
15 of calls on its hotline for witnesses or victims of child sex  
16 trafficking. However, because child sex trafficking is covert,



1 it is difficult to accurately measure the scope of the problem,  
2 and exploited youth may not identify themselves as victims.

3 The legislature further finds that, in order to adequately  
4 serve children who have been sexually exploited, a statewide  
5 human trafficking program is needed to develop and utilize  
6 comprehensive interagency case management strategies, protocols,  
7 and a multi-disciplinary response that is both victim-centered  
8 and offender-focused. The department of the attorney general  
9 will provide leadership in addressing both commercial sexual  
10 exploitation and human trafficking more broadly.

11 Accordingly, the purpose of this Act is to require:

12 (1) The department of the attorney general to address the  
13 needs of victims of human trafficking through the  
14 development of a statewide human trafficking program;

15 (2) The department of the attorney general to provide  
16 reports to the legislature on the State's efforts to  
17 address human trafficking and the commercial sexual  
18 exploitation of children; and

19 (3) The children's justice program to coordinate the  
20 investigation and case management of child trafficking



1 cases, including cases involving the sexual  
2 exploitation of children.

3 SECTION 2. Chapter 28, Hawaii Revised Statutes, is amended  
4 by adding a new section to be appropriately designated and to  
5 read as follows:

6 §28- Human trafficking program. (a) The department of  
7 the attorney general shall develop and implement a program to  
8 prevent and to assist victims of human trafficking. The program  
9 shall:

10 (1) Assess the current needs of the State's  
11 anti-trafficking response and:

12 (A) Develop a statewide strategy to prevent human  
13 trafficking; and

14 (B) Develop a plan to provide increased support and  
15 assistance to victims of human trafficking and  
16 victims of the commercial sexual exploitation of  
17 children;

18 (2) Implement statewide strategies to address offender  
19 accountability through law enforcement efforts,  
20 prosecutions, and crime prevention efforts;



- 1        (3) Promote public awareness of:
- 2            (A) Human trafficking and the commercial sexual
- 3            exploitation of children;
- 4            (B) The availability of services for victims of human
- 5            trafficking; and
- 6            (C) The availability of state and national hotlines
- 7            for victims and witnesses;
- 8        (4) Produce and maintain information materials, including
- 9        a website, on the prevention of human trafficking and
- 10       the commercial sexual exploitation of children and on
- 11       the availability of public resources for victims and
- 12       witnesses;
- 13       (5) Develop and provide comprehensive training on how to
- 14       prevent, identify, and address human trafficking and
- 15       the commercial sexual exploitation of children; and
- 16       (6) Apply for and monitor federal funding for
- 17       anti-trafficking efforts.
- 18       (b) The department of the attorney general shall submit a
- 19       report to the legislature no later than twenty days prior to the
- 20       convening of the regular session of 2022 on the State's efforts
- 21       to address the commercial sexual exploitation of children; and



1 shall submit a report to the legislature no later than twenty  
2 days prior to the convening of the regular session of 2023 on  
3 the State's efforts to address human trafficking. Each report  
4 shall include:

- 5       (1) Plans to assist county and state agencies in  
6             identifying and responding to victims;
- 7       (2) Best practices used in other states to identify and  
8             serve victims;
- 9       (3) A comprehensive evaluation of applicable programs and  
10            services currently offered by the State;
- 11       (4) Strategies for public outreach and education;
- 12       (5) An assessment of barriers that inhibit law  
13            enforcement, service providers, government agencies,  
14            and nongovernmental organizations in the State from  
15            supporting victims and holding offenders accountable;
- 16       (6) A review of criminal statutes in chapter 712 on  
17            prostitution and sex trafficking;
- 18       (7) Plans for a training program for educators, community  
19            members, members of law enforcement entities, and  
20            mandatory reporters of child abuse, including an  
21            outline of the training content and an assessment of



- 1           whether mandatory training is required and in what
- 2           intervals;
- 3       (8) Statewide assessment tools for first responders,
- 4           medical professionals, and service providers for use
- 5           in identifying victims;
- 6       (9) Plans for prevention strategies that mitigate the risk
- 7           factors for victims and offenders;
- 8       (10) Recommendations for enhancing statewide collaboration
- 9           and coordination through multidisciplinary teams,
- 10           committees, and task forces;
- 11       (11) An analysis of the existing data regarding
- 12           trafficking, which may include but shall not be
- 13           limited to the following:
- 14           (A) Data specific to the commercial sexual
- 15               exploitation of children, including:
- 16               (i) The number of reports to state and national
- 17               hotlines alleging the sexual trafficking of
- 18               a child;
- 19               (ii) The total number of children suspected to be
- 20               victims of sex trafficking, including
- 21               demographic information and information on



1                   whether each child was previously served by  
2                   the department of the attorney general or by  
3                   the department of human services;  
4           (iii) The total number of children confirmed to be  
5                   victims of sex trafficking, including  
6                   demographic information and information on  
7                   whether each child was previously served by  
8                   the department of the attorney general or by  
9                   the department of human services;  
10           (iv) Data collected by state-contracted  
11                   providers, including the types and aggregate  
12                   costs of services provided to children who  
13                   are suspected or confirmed victims of sex  
14                   trafficking, the number of children  
15                   receiving each type of service, and the  
16                   total number of new children and families  
17                   served through these providers; and  
18           (v) The number of prosecutions and convictions  
19                   in the State, delineated by county, for  
20                   crimes related to human trafficking or the  
21                   commercial sexual exploitation of children;



1           (B) Data specific to sex and labor trafficking;  
2           (C) The identification of any gaps in the State's  
3           ability to collect data; and  
4           (D) Recommendations for improving data collection and  
5           data sharing among service providers, non-  
6           governmental organizations, and government  
7           agencies, including law enforcement; and  
8       (12) Any proposed legislation.  
9           (c) The department of the attorney general may submit  
10       additional reports to the legislature providing data, status  
11       updates, and recommendations, as determined by the department.  
12           (d) Every public official and state and county department  
13       shall render all necessary assistance and cooperation within the  
14       official's or department's jurisdictional power to share  
15       information and to assist the program in carrying out its duties  
16       under this section.  
17           (e) As used in this section:  
18           "Child" means a person under eighteen years of age.  
19           "Commercial sexual exploitation of children" means any  
20       sexual activity involving a child for the exchange or promise of  
21       anything of value by any person.



1        "Human trafficking" includes "severe forms of trafficking  
 2 in persons", as defined in title 22 United States Code  
 3 section 7102(11), and "sex trafficking", as defined in  
 4 section 712-1202 and title 22 United States Code  
 5 section 7102(12)."

6        SECTION 3. Section 588-1, Hawaii Revised Statutes, is  
 7 amended by amending subsection (b) to read as follows:

8        "(b) The purpose of the program shall be to:

- 9        (1) Develop, achieve, and maintain interagency and
- 10        interprofessional cooperation and coordination in the
- 11        investigation [øf] and case management of
- 12        [~~intrafamilial and extrafamilial~~] child sex abuse
- 13        [~~and~~], serious physical child abuse, and child
- 14        trafficking cases[+], including cases involving the
- 15        commercial sexual exploitation of children;
- 16        (2) Facilitate in an impartial manner the professional
- 17        gathering of information by public and private
- 18        agencies and their providers for court proceedings
- 19        involving child victims and witnesses;
- 20        (3) Reduce to the absolute minimum the number of
- 21        interviews of child sex abuse and child trafficking



- 1 victims so as to minimize revictimization of the  
2 child;
- 3 (4) Coordinate the therapeutic and treatment program for  
4 child sex abuse and child trafficking victims and  
5 their families;
- 6 (5) Provide for a multidisciplinary team and case  
7 management approach [~~which~~] that is focused first, on  
8 the alleged or suspected child sex abuse or child  
9 trafficking victim's needs and conditions; second, on  
10 the family members who are supportive of the child and  
11 whose interests are consistent with the best interests  
12 of the child; and third, on law enforcement and  
13 prosecutorial needs;
- 14 (6) Provide for the training and continuing education of  
15 skilled professional interviewers of child sex abuse  
16 and child trafficking victims; and
- 17 (7) Serve as the focus of information and referral for  
18 child sex abuse and child trafficking programs."

19 SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect on July 1, 2060.



**Report Title:**

Commercial Sexual Exploitation of Children; Human Trafficking;  
Attorney General; Prevention; Treatment

**Description:**

Establishes a statewide program overseen by the department of the attorney general to provide services and assistance to commercially sexually exploited children and victims of human trafficking. Requires the attorney general to submit annual reports to the legislature. Requires the children's justice program to coordinate the investigation and case management of child human trafficking cases, including cases involving the commercial sexual exploitation of children. Effective 7/1/2060.  
(HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

