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# 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 the:

- 12 (1) Department of the attorney general to establish a  
13 statewide coordinator and program within the  
14 department to address the needs of victims of human  
15 trafficking;
- 16 (2) Department of the attorney general to provide reports  
17 to the legislature on the State's efforts to address  
18 human trafficking and the commercial sexual  
19 exploitation of children; and
- 20 (3) Children's justice program to coordinate the  
21 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 **"PART . HUMAN TRAFFICKING STATEWIDE COORDINATOR AND PROGRAM**

7 **§28-A Definitions.** As used in this part:

8 "Child" means a person under eighteen years of age.

9 "Commercial sexual exploitation of children" means any  
10 sexual activity involving a child for the exchange or promise of  
11 anything of value by any person.

12 "Department" means the department of the attorney general.

13 "Human trafficking" includes "severe forms of trafficking  
14 in persons", as defined in title 22 United States Code section  
15 7102(11), and "sex trafficking", as set forth in section  
16 712-1202 and as defined in title 22 United States Code section  
17 7102(12).

18 "Statewide coordinator" means the statewide coordinator on  
19 human trafficking established in this part.

20 **§28-B Human trafficking statewide coordinator and program.**

21 (a) The attorney general shall appoint a statewide coordinator



1 on human trafficking for the proper administration and  
2 enforcement of this chapter without regard to chapter 76.

3 (b) The department shall develop and implement a program  
4 to prevent and to assist victims of human trafficking.

5 (c) The program shall:

6 (1) Assess the current needs of the State's anti-  
7 trafficking response and develop:

8 (A) A statewide strategy to prevent human  
9 trafficking; and

10 (B) A plan to provide increased support and  
11 assistance to victims of the commercial sexual  
12 exploitation of children and victims of human  
13 trafficking;

14 (2) Implement statewide strategies to address offender  
15 accountability through law enforcement efforts,  
16 prosecutions, and crime prevention efforts;

17 (3) Promote public awareness of:

18 (A) Human trafficking and the commercial sexual  
19 exploitation of children;

20 (B) The availability of services for victims of human  
21 trafficking; and



1 (C) The availability of state and national hotlines  
2 for victims and witnesses;

3 (4) Produce and maintain information materials, including  
4 a website, on the prevention of human trafficking and  
5 the sexual exploitation of children and on the  
6 availability of public resources for victims and  
7 witnesses;

8 (5) Develop and provide comprehensive training on how to  
9 prevent, identify, and address human trafficking and  
10 the commercial exploitation of children; and

11 (6) Apply for and monitor federal funding for anti-  
12 trafficking efforts.

13 (d) The department shall submit a report to the  
14 legislature no later than twenty days prior to the convening of  
15 the regular session of 2022 on the State's efforts to address  
16 the commercial sexual exploitation of children; and shall submit  
17 a report to the legislature no later than twenty days prior to  
18 the convening of the regular session of 2023 on the State's  
19 efforts to address human trafficking. Each report shall  
20 include:



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



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



1 the department or by the department of human  
2 services;

3 (iii) The total number of children confirmed to be  
4 victims of sex trafficking, including  
5 demographic information and information on  
6 whether each child was previously served by  
7 the department or by the department of human  
8 services;

9 (iv) Data collected by state-contracted  
10 providers, including the types and aggregate  
11 costs of services provided to children who  
12 are suspected or confirmed victims of sex  
13 trafficking, the number of children  
14 receiving each type of service, and the  
15 total number of new children and families  
16 served through these providers; and

17 (v) The number of prosecutions and convictions  
18 in the State, delineated by county, for  
19 crimes related to human trafficking or the  
20 commercial sexual exploitation of children;

21 (B) Data specific to sex and labor trafficking;



1 (C) The identification of any gaps in the State's  
2 ability to collect data; and

3 (D) Recommendations for improving data collection and  
4 data sharing among service providers, non-  
5 governmental organizations, and government  
6 agencies, including law enforcement; and

7 (12) Any proposed legislation.

8 (e) The department may submit additional reports to the  
9 legislature providing data, status updates, and recommendations,  
10 as determined by the department.

11 (f) Every public official and state and county department  
12 shall render all necessary assistance and cooperation within the  
13 official's or department's jurisdictional power to share  
14 information and to assist the program in carrying out its duties  
15 under this part."

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

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

19 (1) Develop, achieve, and maintain interagency and  
20 interprofessional cooperation and coordination in the  
21 investigation [e] and case management of



- 1           ~~[intrafamilial and extrafamilial]~~ child sex abuse  
2           ~~[and]~~, serious physical child abuse, and child  
3           trafficking cases~~[,]~~, including cases involving the  
4           commercial sexual exploitation of children;
- 5           (2) Facilitate in an impartial manner the professional  
6           gathering of information by public and private  
7           agencies and their providers for court proceedings  
8           involving child victims and witnesses;
- 9           (3) Reduce to the absolute minimum the number of  
10           interviews of child sex abuse and child trafficking  
11           victims so as to minimize revictimization of the  
12           child;
- 13           (4) Coordinate the therapeutic and treatment program for  
14           child sex abuse and child trafficking victims and  
15           their families;
- 16           (5) Provide for a multidisciplinary team and case  
17           management approach ~~[which]~~ that is focused first, on  
18           the alleged or suspected child sex abuse or child  
19           trafficking victim's needs and conditions; second, on  
20           the family members who are supportive of the child and  
21           whose interests are consistent with the best interests



1 of the child; and third, on law enforcement and  
2 prosecutorial needs;  
3 (6) Provide for the training and continuing education of  
4 skilled professional interviewers of child sex abuse  
5 and child trafficking victims; and  
6 (7) Serve as the focus of information and referral for  
7 child sex abuse and child trafficking programs."

8 SECTION 4. In codifying the new sections added by section  
9 2 of this Act, the revisor of statutes shall substitute  
10 appropriate section numbers for the letters used in designating  
11 the new sections in this Act.

12 SECTION 5. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect on January 1, 2022.



**Report Title:**

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

**Description:**

Establishes a statewide coordinator and 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 1/1/2022. (SD1)

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

