
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 part to be appropriately designated and to read
5 as follows:

6 "PART . HUMAN TRAFFICKING STATEWIDE COORDINATOR AND
7 PROGRAM

8 §28- Definitions. As used in this part:

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

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

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

14 "Human trafficking" includes "severe forms of trafficking
15 in persons", as defined in title 22 United States Code section
16 7102(11), and "sex trafficking", as set forth in section
17 712-1202 and as defined in title 22 United States Code section
18 7102(12).

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



1 §28- Human trafficking statewide coordinator and
2 program. (a) The attorney general shall appoint a statewide
3 coordinator on human trafficking for the proper administration
4 and enforcement of this chapter without regard to chapter 76.

5 (b) The department shall develop and implement a program
6 to prevent and to assist victims of human trafficking that
7 shall:

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

10 (A) A statewide strategy to prevent human
11 trafficking; and

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

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

19 (3) Promote public awareness of:

20 (A) Human trafficking and the commercial sexual
21 exploitation of children;



- 1 (B) The availability of services for victims of human
2 trafficking; and
- 3 (C) The availability of state and national hotlines
4 for victims and witnesses;
- 5 (4) Produce and maintain information materials, including
6 a website, on the prevention of human trafficking and
7 the sexual exploitation of children and on the
8 availability of public resources for victims and
9 witnesses;
- 10 (5) Develop and provide comprehensive training on how to
11 prevent, identify, and address human trafficking and
12 the commercial exploitation of children; and
- 13 (6) Apply for and monitor federal funding for anti-
14 trafficking efforts.
- 15 (c) The department shall submit a report to the
16 legislature no later than twenty days prior to the convening of
17 the regular session of 2022 on the State's efforts to address
18 the commercial sexual exploitation of children; and shall submit
19 a report to the legislature no later than twenty days prior to
20 the convening of the regular session of 2023 on the State's



1 efforts to address human trafficking. Each report shall
2 include:

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

11 (e) 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. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on May 6, 2137.



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 5/6/2137. (SD2)

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