

JAN 21 2022

A BILL FOR AN ACT

RELATING TO A SEX TRAFFICKING EMERGENCY SHELTER.

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

1 SECTION 1. The legislature finds that sex trafficking is a
2 modern-day form of slavery. According to a September 2018
3 report published by Arizona State University and the Hawaii
4 state commission on the status of women, it is estimated that
5 one out of every eleven men in Hawaii over the age of eighteen
6 is an online sex buyer and that there are 74,362 potential sex
7 buyers in Hawaii. Moreover, during the coronavirus disease 2019
8 (COVID-19) pandemic, a service provider for sex trafficking
9 victims in Hawaii reported seeing a three hundred per cent
10 increase in demand for services, which included trauma-informed
11 care.

12 In 2018, as a part of a juvenile justice reform measure,
13 the legislature authorized the creation and development of the
14 Kawaiiloa youth and family wellness center at the site of the
15 Hawaii youth correctional facilities, including "crisis shelters
16 for victims of human and sex trafficking" under section
17 352D-7.5(d), Hawaii Revised Statutes. Within a few months of



1 that authorization, the Kawaiiloa campus included an assessment
2 center and shelter for young victims of sex trafficking. In
3 addition, in the spring of 2021, Ho'ola Na Pua opened a
4 first-of-its-kind, thirty-two bed, residential treatment program
5 for victims of sex trafficking in Hawaii.

6 The legislature further finds that, despite the development
7 of these two much-needed facilities, a gap in service remains
8 that can be met by an emergency shelter for minor victims of sex
9 trafficking. An emergency shelter for minor victims of sex
10 trafficking would improve the State's effectiveness in
11 responding to sexual exploitation by allowing government
12 agencies and victim service providers to establish a coordinated
13 continuum of care and protect victims in a centralized location.

14 Accordingly, the purpose of this Act is to authorize the
15 department of human services to establish or contract with a
16 victim service provider to operate an emergency shelter for
17 minors who are victims of sex trafficking and sexual
18 exploitation.

19 SECTION 2. Chapter 237, Hawaii Revised Statutes, is
20 amended by adding a new section to be appropriately designated
21 and to read as follows:



1 "§237- Exemption for victim service providers of sex
2 trafficking emergency shelters for minors. There shall be
3 exempted from the measure of all taxes imposed by this chapter
4 any compensation received by a victim service provider for
5 operating or managing a sex trafficking emergency shelter for
6 minors pursuant to section 346- ."

7 SECTION 3. Chapter 346, Hawaii Revised Statutes, is
8 amended by adding a new section to part I to be appropriately
9 designated and to read as follows:

10 "§346- Sex trafficking emergency shelter for minors.

11 (a) The department may establish or contract with a victim
12 service provider to operate an emergency shelter for sex
13 trafficking victims.

14 (b) The emergency shelter shall provide emergency services
15 to sex trafficking victims granted admittance to the shelter.
16 Emergency services shall include but not be limited to housing,
17 rehabilitation, medical, mental health, therapeutic, legal, and
18 diagnostic services.

19 (c) The operator of the emergency shelter, in consultation
20 with any appropriate governmental agency or nongovernmental
21 organization, shall be responsible for determining:



(1) If a sex trafficking victim is eligible for services at the shelter, including the level of need and course of treatment for each victim; and

(2) Whether a sex trafficking victim is no longer eligible for services at the shelter; provided that services for any victim shall not exceed thirty days.

(d) Any person who enters or remains on the premises of an emergency shelter authorized by this section after being asked to leave by the department or its designee, a victim service provider, or a law enforcement officer shall be guilty of a misdemeanor.

(e) Any compensation received by a victim service provider for operating or managing an emergency shelter pursuant to this section shall be exempt from taxation under chapter 237.

(f) The mayor of any county in the State, by executive order, may exempt the operator of an emergency shelter established pursuant to this section from real property taxes, water and sewer development fees, rates collected for water supplied to consumers and for use of sewers, and any other county taxes, charges, rates, or fees arising from the operation of the sex trafficking emergency shelter; provided that any



1 county may enact ordinances to regulate the exemptions
2 authorized by this section.

3 (g) The department shall require any victim service
4 provider with whom it enters into a contract under this section
5 to submit to the department a report for each year that the
6 contract is in effect. The report shall include a financial
7 report and recommendations for improving services for sex
8 trafficking victims. Failure to provide the required report
9 shall be grounds for the department to terminate a contract with
10 the victim service provider.

11 (h) Nothing in this section shall prohibit the department
12 from establishing additional programs or services for sex
13 trafficking victims.

14 (i) As used in this section:

15 "Minor" means a person who is less than eighteen years of
16 age.

17 "Sex trafficking victim" means:

18 (1) A minor subject to an act or practice of prostitution,
19 as described in section 712-1200;

20 (2) A minor subject to an act or practice of sex
21 trafficking, as described in section 712-1202(b);



1 (3) A minor who is a victim of the offense of promoting
2 prostitution under section 712-1203;

3 (4) A minor solicited for prostitution, as described in
4 section 712-1209.1;

5 (5) A victim of a severe form of trafficking, as defined
6 in title 22 United States Code section 7102, who is a
7 minor;

8 (6) A victim of trafficking, as defined in title 22 United
9 States Code section 7102, who is a minor; or

10 (7) A minor subject to the crime of sex trafficking of
11 children or by force, fraud, or coercion under title
12 18 United States Code section 1591.

13 "Victim service provider" means a nonprofit or
14 nongovernmental organization that provides services to sex
15 trafficking victims, including outreach, direct intervention,
16 housing, rehabilitation, education, vocational, medical, mental
17 health, or substance abuse treatment programs."

18 SECTION 4. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$500,000 or so much
20 thereof as may be necessary for fiscal year 2022-2023 for the
21 department of human services to establish or contract with a



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1 victim service provider to operate a sex trafficking emergency
2 shelter for minors.

3 The sum appropriated shall be expended by the department of
4 human services for the purposes of this Act.

5 SECTION 5. New statutory material is underscored.

6 SECTION 6. This Act shall take effect upon its approval;
7 provided that section 4 shall take effect on July 1, 2022.

8

INTRODUCED BY:

Lana Acasis



S.B. NO. 2561

Report Title:

Sex Trafficking; Minors; Emergency Shelter; Department of Human Services; Appropriation

Description:

Authorizes the department of human services to establish or contract with a victim service provider to operate an emergency shelter for minors who are victims of sex trafficking or sexual exploitation. Provides for general excise tax and fee exemptions. Appropriates funds.

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

