
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 globally, an
2 estimated twenty-seven million people are in slavery. The
3 estimated total market value of illegal human trafficking is
4 \$32,000,000,000. The International Labor Organization has
5 reported that child workers, minorities, and irregular migrants
6 are at considerable risk of more extreme forms of exploitation.
7 The legislature also finds that individuals in the State
8 are vulnerable to human trafficking and the closely related
9 phenomenon of commercial sexual exploitation. According to a
10 January 2020 report on sex trafficking in Hawaii authored by
11 researchers from Arizona State University and the Hawaii state
12 commission on the status of women, 26.7 per cent, or one in
13 four, of several hundred clients served by Child and Family
14 Service across five islands during a three-month period in 2019
15 reported being sex trafficked. Two key points reported were
16 that sixty-four per cent of the ninety-seven sex trafficked
17 individuals were of native Hawaiian ethnicity and twenty-three



1 per cent of the sex trafficked individuals identified as male.
2 Other key findings highlighted the severity of the problem and
3 the urgent need to combat human trafficking in Hawaii. For
4 example, more than one-quarter of the sex trafficked individuals
5 reported that their sex trafficker was a family member. The age
6 of victims at their first sex trafficking experience ranged from
7 four to fifty-five years old. Of the sex trafficked individuals
8 who were first trafficked when under the age of eighteen, the
9 average victim age at the first sex trafficking experience was
10 11.3 years old. The most common reasons identified by victims
11 for their forced or coerced participation in sex trafficking
12 were drugs, money, and shelter, with all three reasons being
13 nearly equal in prevalence.

14 The legislature recognizes that the adverse impacts of
15 human trafficking are far-reaching and cause harm to individuals
16 and their families, communities, and societies. Trafficked
17 individuals are often denied educational opportunities, which
18 limits their potential to contribute economically as part of the
19 workforce. Further, the illegal activity generated by human
20 trafficking diverts moneys that otherwise may have contributed



1 to the growth of legitimate businesses or supported legally
2 employed workers.

3 The negative consequences of human trafficking also impact
4 the healthcare sector and contribute to rising healthcare costs.
5 The trauma inflicted on a trafficking victim often affects the
6 victim's friends and family members. The costs of medical
7 treatment and rehabilitation for victims place additional
8 burdens on individuals, medical professionals, insurers, and
9 healthcare systems. Viewed in this light, directing resources
10 toward the abolishment of human trafficking is both a moral
11 obligation and fiscal responsibility.

12 Accordingly, the purpose of this Act is to:

- 13 (1) Require the department of human services to develop,
14 and certain businesses and establishments to post, a
15 notice containing information about the National Human
16 Trafficking Hotline;
- 17 (2) Require the department of the attorney general to
18 establish a position of statewide coordinator on human
19 trafficking and a program within the department to
20 address the needs of victims of human trafficking;



1 (3) Require the department of the attorney general to
 2 submit reports to the legislature on the State's
 3 efforts to address human trafficking and the
 4 commercial sexual exploitation of children; and

5 (4) Specify that court-ordered restitution for a victim of
 6 labor trafficking may include the cost of necessary
 7 rehabilitation for the victim, including medical,
 8 psychiatric, and psychological care and treatment.

9 SECTION 2. The Hawaii Revised Statutes is amended by
 10 adding a new section to be appropriately designated and to read
 11 as follows:

12 "§ - Human trafficking; posting of notice required.

13 (a) Each of the businesses and other establishments specified
 14 below, upon the availability of the model notice described in
 15 subsection (c), shall post in a conspicuous place, near the
 16 public entrance of the business or establishment or in another
 17 conspicuous location in clear view of the public and employees
 18 where similar notices are customarily posted, a notice that
 19 complies with the requirements of this section:

20 (1) Establishments possessing a liquor license that is
 21 described in section 281-31;



- 1 (2) Bus stations;
2 (3) Emergency rooms within general acute care hospitals;
3 (4) Urgent care centers;
4 (5) Privately operated job recruitment centers;
5 (6) Boardinghouses, hotels, lodging or tenement houses,
6 group homes, group residences, group living
7 arrangements, and rooming houses, as defined in
8 section 445-90; and

- 9 (7) Businesses or establishments that are licensed to
10 offer massage or bodywork services in return for
11 compensation.

12 (b) The notice required to be posted pursuant to
13 subsection (a) shall be at least eight and one-half inches by
14 eleven inches in size, written in a sixteen-point font or
15 larger, and shall include the following statements:

- 16 (1) "If you or someone you know is being forced to engage
17 in any activity and cannot choose to leave--whether
18 the activity involves commercial sex, housework, farm
19 work, construction, factory, retail, or restaurant
20 work, or any other form of forced labor--call the
21 National Human Trafficking Hotline at 1-888-373-7888



1 or send a text message to 233733 (BeFree) to access
2 their help and services.";

3 (2) "Victims of slavery and human trafficking are
4 protected under United States and Hawaii law."; and

5 (3) "The toll-free phone and text lines are available 24
6 hours a day, 7 days a week, 365 days a year. The
7 hotline can provide help, referral to services,
8 training, and general information. Help is available
9 in more than 200 languages. The hotline is operated
10 by a non-profit, non-governmental organization.
11 Communications with the hotline are anonymous and
12 confidential.".

13 (c) No later than January 1, 2023, the department of human
14 services shall develop a model notice that complies with the
15 requirements of this section and shall make the model notice
16 available for download on the department's website.

17 (d) A business or establishment that fails to comply with
18 the requirements of this section shall be subject to a civil
19 penalty of \$500 for a first offense and \$1,000 for each
20 subsequent offense.



1 (e) A state or county agency may bring an enforcement
2 action against a business or establishment that the agency is
3 authorized to regulate, and if the following conditions are met:

4 (1) The agency provided the business or establishment with
5 reasonable notice of noncompliance and specified that
6 the business or establishment is subject to the
7 applicable civil penalty if the violation is not
8 corrected within thirty days from the date that notice
9 was provided; and

10 (2) The agency verified that the business or establishment
11 failed to correct the violation within the thirty-day
12 period described in paragraph (1)."

13 SECTION 3. Chapter 28, Hawaii Revised Statutes, is amended
14 by adding a new part to be appropriately designated and to read
15 as follows:

16 **"PART . HUMAN TRAFFICKING STATEWIDE COORDINATOR AND PROGRAM**

17 **§28- Definitions. As used in this part:**

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 "Department" means the department of the attorney general.

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

6 "Statewide coordinator" means the statewide coordinator on
7 human trafficking established in this part.

8 §28- Human trafficking statewide coordinator and

9 program. (a) The attorney general shall appoint a statewide
10 coordinator on human trafficking for the proper administration
11 and enforcement of this part without regard to chapter 76.

12 (b) The department shall develop and implement a program
13 to prevent and to assist victims of human trafficking that
14 shall:

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

17 (A) A statewide strategy to prevent human
18 trafficking; and

19 (B) A plan to provide increased support and
20 assistance to victims of the commercial sexual



- 1 exploitation of children and victims of human
2 trafficking;
- 3 (2) Implement statewide strategies to address offender
4 accountability through law enforcement efforts,
5 prosecutions, and crime prevention efforts;
- 6 (3) Promote public awareness of:
- 7 (A) Human trafficking and the commercial sexual
8 exploitation of children;
- 9 (B) The availability of services for victims of human
10 trafficking; and
- 11 (C) The availability of state and national hotlines
12 for victims and witnesses;
- 13 (4) Produce and maintain informational materials,
14 including a website, on the prevention of human
15 trafficking and the commercial sexual exploitation of
16 children, and on the availability of public resources
17 for victims and witnesses;
- 18 (5) Develop and provide comprehensive training on ways to
19 prevent, identify, and address human trafficking and
20 the commercial sexual exploitation of children; and



1 (6) Apply for and monitor federal funding for
2 anti-trafficking efforts.

3 (c) The department shall submit a report to the
4 legislature no later than twenty days prior to the convening of
5 the regular session of 2023 on the State's efforts to address
6 the commercial sexual exploitation of children; and shall submit
7 a report to the legislature no later than twenty days prior to
8 the convening of the regular session of 2024 on the State's
9 efforts to address human trafficking. Each report shall
10 include:

- 11 (1) Plans to assist local and state agencies in
12 identifying and responding to victims;
- 13 (2) Best practices used in other states to identify and
14 assist victims;
- 15 (3) A comprehensive evaluation of applicable programs and
16 services currently offered by the State;
- 17 (4) Strategies for public outreach and education;
- 18 (5) An assessment of barriers that inhibit law enforcement
19 agencies, service providers, government agencies, and
20 non-governmental organizations in the State from
21 supporting victims and holding offenders accountable;



- 1 (6) A review of criminal statutes in chapter 712 on
2 prostitution and sex trafficking;
- 3 (7) Plans for a training program for educators, community
4 members, members of law enforcement agencies, and
5 mandatory reporters of child abuse, including an
6 outline of the training content and an assessment of
7 the need for mandatory training and, if needed,
8 appropriate intervals therefor;
- 9 (8) Statewide assessment tools for use by first
10 responders, medical professionals, and service
11 providers to identify victims;
- 12 (9) Plans for prevention strategies that mitigate the risk
13 factors for victims and offenders;
- 14 (10) Recommendations for enhancing statewide collaboration
15 and coordination through multidisciplinary teams,
16 committees, and task forces;
- 17 (11) An analysis of existing data regarding trafficking,
18 which may include the following:
- 19 (A) Data specific to the commercial sexual
20 exploitation of children, including:



- 1 (i) The number of reports to state and national
2 hotlines alleging the sexual trafficking of
3 a child;
- 4 (ii) The total number of children suspected 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 or by the department of human
9 services;
- 10 (iii) The total number of children confirmed to be
11 victims of sex trafficking, including
12 demographic information and information on
13 whether each child was previously served by
14 the department or by the department of human
15 services;
- 16 (iv) Data collected by state-contracted
17 providers, including the types and aggregate
18 costs of services provided to children who
19 are suspected or confirmed victims of sex
20 trafficking, the number of children
21 receiving each type of service, and the



1 total number of new children and families
2 served through these providers; and
3 (v) The number of prosecutions and convictions
4 in the State, delineated by county, for
5 crimes related to human trafficking or the
6 commercial sexual exploitation of children;
7 (B) Data specific to sex and labor trafficking;
8 (C) The identification of any gaps in the State's
9 ability to collect data; and
10 (D) Recommendations for improving data collection and
11 data sharing among service providers,
12 non-governmental organizations, and government
13 agencies, including law enforcement agencies; and
14 (12) Any proposed legislation.
15 (d) The department may submit additional reports to the
16 legislature providing data, status updates, and recommendations,
17 as determined by the department.
18 (e) Every public official and state and county department
19 shall render all necessary assistance and cooperation within
20 their respective jurisdictional power to share information and



1 to assist the program in carrying out its duties under this
2 part."

3 SECTION 4. Section 707-785, Hawaii Revised Statutes, is
4 amended by amending subsection (1) to read as follows:

5 "(1) In addition to any other penalty, and notwithstanding
6 a victim's failure to request restitution under section
7 706-646(2), the court shall order restitution to be paid to the
8 victim, consisting of an amount that is the greater of:

9 (a) The total gross income or value to the defendant of
10 the victim's labor or services; ~~[or]~~

11 (b) The value of the victim's labor or services, as
12 guaranteed under the minimum wage provisions of
13 chapter 387 or the Fair Labor Standards Act of 1938,
14 Public Law 75-718, title 29 United States Code
15 sections 201 through 219, inclusive, whichever is
16 greater[-]; or

17 (c) The amount equal to the cost of necessary
18 rehabilitation for the victim, including medical,
19 psychiatric, and psychological care and treatment."

20 SECTION 5. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2022-2023 to
2 fund the development, translation, and printing of notices
3 required pursuant to section 2 of this Act.

4 The sum appropriated shall be expended by the Department of
5 Human Services for the purposes of section 2 of this Act.

6 SECTION 6. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect on December 31,
9 2050.



Report Title:

Human Trafficking; Department of Human Services; Notice; National Human Trafficking Hotline; Department of the Attorney General; Statewide Coordinator on Human Trafficking and Program; Victim Restitution

Description:

Requires the Department of Human Services to develop, and certain businesses and establishments to post, a notice containing information about the National Human Trafficking Hotline. Requires the Department of the Attorney General to establish a Statewide Coordinator on Human Trafficking and a Program within the Department to support the needs of victims of human trafficking and submit reports to the Legislature on the State's efforts to address human trafficking and the commercial sexual exploitation of children. Specifies that court-ordered restitution for a victim of labor trafficking may include the cost of necessary rehabilitation for the victim, including medical, psychiatric, and psychological care and treatment. Effective 12/31/2050. (SD1)

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