
A BILL FOR AN ACT

RELATING TO THE COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN.

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 young people suffering
6 from 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 their traffickers and start new
11 lives.

12 The legislature recognizes that, over the past decade, the
13 commercial sexual exploitation of children has garnered greater
14 attention in Hawaii and throughout the United States. Due to
15 reporting requirements under federal and state law, the
16 department of human services has received an increasing number
17 of hotline calls from witnesses or victims of child sex



1 trafficking. However, because child sex trafficking is covert,
2 it is difficult to accurately measure the scope of the problem,
3 and exploited youth may not identify themselves as victims.

4 The legislature believes that the statewide human
5 trafficking coordinator, a position established within the
6 department of the attorney general in May 2020, plays a vital
7 function in the department's multidisciplinary approach to
8 improving the State's anti-trafficking response.

9 Accordingly, the purpose of this Act is to require the
10 department of the attorney general to establish a five-year
11 commercial sexual exploitation of children data pilot program
12 and provide annual reports to the legislature that are also made
13 available to the public.

14 SECTION 2. (a) There is established within the department
15 of the attorney general a five-year pilot program that shall
16 collect, share, and report on data pertaining to the commercial
17 sexual exploitation of children. Under the pilot program, the
18 department of the attorney general, in consultation with the
19 department of human services, shall develop guidelines for the
20 collection, sharing, and reporting of data pertaining to the
21 commercial sexual exploitation of children.



1 (b) The department of the attorney general shall collect
2 the following data:

3 (1) The number of reports to state and national hotlines
4 alleging the commercial sexual exploitation of
5 children;

6 (2) The total number of suspected victims of commercial
7 sexual exploitation of children, including:

8 (A) Demographic information including gender identity
9 and expression, age, race, sexual orientation,
10 and ethnicity;

11 (B) Whether the child experienced one or more of the
12 following risk factors:

13 (i) Multiple instances or extended periods of
14 having been a runaway from a guardian or
15 caregiver;

16 (ii) Past history of sexual abuse; and

17 (iii) Prior or current substance abuse;

18 (C) Whether the child was or is currently served by
19 the department of human services and the types of
20 services provided; and



- 1 (D) Whether the child was or is currently a client of
2 the family court;
- 3 (3) The total number of confirmed victims of commercial
4 sexual exploitation of children, including:
- 5 (A) Demographic information including gender identity
6 and expression, age, race, sexual orientation,
7 and ethnicity;
- 8 (B) Whether the child had a third-party trafficker
9 who advanced or profited from the commercial
10 sexual exploitation of children;
- 11 (C) Whether the child experienced one or more of the
12 following risk factors:
- 13 (i) Multiple instances or extended periods of
14 having been a runaway from a guardian or
15 caregiver;
- 16 (ii) Past history of sexual abuse; and
17 (iii) Prior or current substance abuse;
- 18 (D) Whether the child was or is currently served by
19 the department of human services and the types of
20 services provided; and



1 (E) Whether the child was or is currently a client of
2 the family court;

3 (4) Data collected by state-contracted providers,
4 including:

5 (A) The types and aggregate costs of services
6 provided to children who are suspected victims or
7 confirmed victims of commercial sexual
8 exploitation of children;

9 (B) Demographic information including gender, age,
10 race, and ethnicity for children who are
11 suspected victims or confirmed victims of
12 commercial sexual exploitation of children;

13 (C) The number of runaways and revictimizations;

14 (D) The number of children currently receiving each
15 type of service; and

16 (E) The total number of children newly served by
17 these providers during the fiscal year;

18 (5) The number of arrests by law enforcement agencies,
19 open or pending prosecutions, and convictions obtained
20 in the State, delineated by county, for crimes



1 relating to the commercial sexual exploitation of
2 children;

3 (6) The identification of any gaps in the State's ability
4 to collect relevant data; and

5 (7) Recommendations for improving data collection and data
6 sharing among service providers, non-governmental
7 organizations, and government agencies, including law
8 enforcement agencies.

9 (c) Every public official and every state and county
10 department or agency, as applicable, shall:

11 (1) Share information with and provide all necessary
12 assistance and cooperation to the department of the
13 attorney general within the jurisdictional authority
14 of the respective official, department, or agency; and

15 (2) Assist the department of the attorney general in
16 carrying out its duties.

17 (d) Entities other than those in subsection (c) are
18 encouraged but not required to collect specific data.

19 (e) No later than forty days prior to the convening of
20 each regular session, the department of the attorney general
21 shall submit a report on data pertaining to the commercial



1 sexual exploitation of children and on its findings and
2 recommendations, including any proposed legislation, relating to
3 the commercial sexual exploitation of children data pilot
4 program.

5 (f) The department of the attorney general shall make the
6 underlying data and the report required by subsection (e)
7 publicly available including by posting the information on its
8 website.

9 (g) The pilot program shall terminate after five years of
10 operation.

11 (h) As used in this section:

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

13 "Commercial sexual exploitation of children" means any
14 sexual activity involving a child for the exchange or promise of
15 anything of value by any person.

16 "Confirmed victim" means a child who has been identified by
17 a state-approved validated assessment tool as a victim of sex
18 trafficking or severe forms of trafficking in persons as defined
19 in section 350-1.

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



1 "Suspected victim" means a child who is reasonably believed
2 to be a victim of sex trafficking or severe forms of trafficking
3 in persons as defined under section 350-1, but who has not been
4 identified as a confirmed victim.

5 SECTION 3. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so
7 much thereof as may be necessary for fiscal year 2022-2023 for
8 the establishment of a five-year commercial sexual exploitation
9 of children pilot program.

10 The sum appropriated shall be expended by the department of
11 the attorney general for the purposes of this Act.

12 SECTION 4. This Act shall take effect on July 1, 2022.



Report Title:

Commercial Sexual Exploitation of Children; Data; Pilot Program;
Appropriation

Description:

Requires the Department of the Attorney General to establish a five-year commercial sexual exploitation of children data pilot program. Requires annual reporting to the Legislature and making the data and report publicly available. Appropriates moneys. (SD1)

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