

JAN 21 2022

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# 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 provide annual reports to  
11 the legislature on specified data pertaining to the commercial  
12 sexual exploitation of children.

13 SECTION 2. Chapter 28, Hawaii Revised Statutes, is amended  
14 by adding a new section to part I to be appropriately designated  
15 and to read as follows:

16 "§28- Commercial sexual exploitation of children;  
17 annual report. (a) No later than twenty days prior to the  
18 convening of each regular session, the department shall submit a  
19 report to the legislature containing data specific to the  
20 commercial sexual exploitation of children that covers the  
21 immediately preceding fiscal year, including the following:



1        (1) The number of reports to state and national hotlines  
2        alleging the commercial sexual exploitation of a  
3        child;

4        (2) The total number of suspected victims of commercial  
5        sexual exploitation, including:

6        (A) Demographic information including gender identity  
7        and expression, age, race, sexual orientation,  
8        and ethnicity, if data is available;

9        (B) Whether the child experienced one or more of the  
10       following risk factors:

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

14       (ii) Past history of sexual abuse; and

15       (iii) Prior or current substance abuse;

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

19       (D) Whether the child was or is currently a client of  
20       the family court;



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



- 1        (4) Data collected by state-contracted providers,
- 2        including:
- 3        (A) The types and aggregate costs of services
- 4        provided to children who are suspected or
- 5        confirmed victims of commercial sexual
- 6        exploitation;
- 7        (B) Demographic information including gender, age,
- 8        race, and ethnicity for children who are
- 9        suspected or confirmed victims of commercial
- 10       sexual exploitation;
- 11       (C) The number of runaways and revictimizations;
- 12       (D) The number of children currently receiving each
- 13       type of service; and
- 14       (E) The total number of children newly served by
- 15       these providers during the fiscal year;
- 16       (5) The number of arrests by law enforcement agencies,
- 17       open or pending prosecutions, and convictions obtained
- 18       in the State, delineated by county, for crimes
- 19       relating to the commercial sexual exploitation of
- 20       children;



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

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

7       (b) Every public official and every state and county  
8       department or agency, as applicable, shall:

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

13       (2) Assist the department in carrying out its duties under  
14       this section.

15       (c) As used in this section:

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

17       "Commercial sexual exploitation of children" means any  
18       sexual activity involving a child for the exchange or promise of  
19       anything of value by any person.

20       "Confirmed victim" means a child who has been identified by  
21       a state-approved validated assessment tool as a victim of sex



1 trafficking or severe forms of trafficking in persons as defined  
2 in section 350-1.

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

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

8 SECTION 3. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$ or so  
10 much thereof as may be necessary for fiscal year 2022-2023 for  
11 the department of the attorney general to fulfill the annual  
12 reporting requirements of this Act.

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

15 SECTION 4. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on July 1, 2022.

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INTRODUCED BY: Rosalyn H. Baker



# S.B. NO. 2638

**Report Title:**

Human Trafficking; Commercial Sexual Exploitation; Minors; Data; AG; Report; Appropriation

**Description:**

Requires the Department of the Attorney General to provide annual reports to the Legislature on specified data pertaining to the commercial sexual exploitation of children. Appropriates moneys.

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

