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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 available 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; annual  
17 report. (a) No later than twenty days prior to the convening  
18 of each regular session, the department shall submit a report to  
19 the legislature containing available data from entities that  
20 collect and are willing to provide data pertaining to the  
21 commercial sexual exploitation of children in the State to the



1 department that covers the immediately preceding fiscal year.  
2 The department shall further post a copy of the annual report on  
3 its website. If available to the department, the data in the  
4 report shall include the following:

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

8 (2) The total number of suspected victims of commercial  
9 sexual exploitation, including:

10 (A) Demographic information including gender identity  
11 and expression, age, race, sexual orientation,  
12 and ethnicity, if data is available;

13 (B) Whether the child experienced one or more of the  
14 following risk factors:

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

18 (ii) Past history of sexual abuse; and

19 (iii) Prior or current substance abuse;



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



1           (D) Whether the child was or is currently served by  
2           the department of human services and the types of  
3           services provided; and

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

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

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

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

16           (C) The number of runaways and revictimizations;

17           (D) The number of children currently receiving each  
18           type of service; and

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



- 1        (5) The number of arrests by law enforcement agencies,  
2        open or pending prosecutions, and convictions obtained  
3        in the State, delineated by county, for crimes  
4        relating to the commercial sexual exploitation of  
5        children;
- 6        (6) The identification of any gaps in the State's ability  
7        to collect relevant data; and
- 8        (7) Recommendations for improving data collection and data  
9        sharing among service providers, non-governmental  
10       organizations, and government agencies, including law  
11       enforcement agencies.
- 12       (b) Every public official and every state and county  
13 department or agency, as applicable, may:
- 14       (1) Share information with and provide all necessary  
15       assistance and cooperation to the department within  
16       the jurisdictional authority of the respective  
17       official, department, or agency; and
- 18       (2) Assist the department in carrying out its duties under  
19       this section.
- 20       (c) As used in this section:
- 21       "Child" means a person under eighteen years of age.



1       "Commercial sexual exploitation of children" means any  
2 sexual activity involving a child for the exchange or promise of  
3 anything of value by any person.

4       "Confirmed victim" means a child who has been identified by  
5 a state-approved validated assessment tool as a victim of sex  
6 trafficking or severe forms of trafficking in persons as defined  
7 in section 350-1.

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

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

13       SECTION 3. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$                or so  
15 much thereof as may be necessary for fiscal year 2022-2023 for  
16 the department of the attorney general to fulfill the annual  
17 reporting requirements in section 2 of this Act.

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

20       SECTION 4. New statutory material is underscored.

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



**Report Title:**

Department of the Attorney General; Human Trafficking;  
Commercial Sexual Exploitation; Minors; Data; Report;  
Appropriation

**Description:**

Requires the Department of the Attorney General to provide  
annual reports to the Legislature on available data pertaining  
to the commercial sexual exploitation of children. Appropriates  
moneys. (SD1)

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not legislation or evidence of legislative intent.*

