
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;**
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 available data from
20 entities that collect and are willing to provide data to the
21 department pertaining to the commercial sexual exploitation of



1 children in the State during the immediately preceding fiscal
2 year. The department shall further post a copy of the annual
3 report on its website. If available to the department, the data
4 in the 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 identity
13 and expression, age, race, sexual orientation,
14 and ethnicity for children who are suspected or
15 confirmed victims of commercial sexual
16 exploitation, if data is available;
- 17 (C) The number of runaways and revictimizations;
- 18 (D) The number of children currently receiving each
19 type of service; and
- 20 (E) The total number of children newly served by
21 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 in 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, 2050.



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. Effective 7/1/2050. (SD2)

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not legislation or evidence of legislative intent.*

