

JAN 22 2021

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 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 youth suffering from
6 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 and start a new life.

11 The legislature recognizes that, in the last decade, the
12 commercial sexual exploitation of children has garnered greater
13 attention in Hawaii and throughout the United States. The
14 department of human services has received an increasing number
15 of calls on its hotline for witnesses or victims of child sex
16 trafficking. However, because child sex trafficking is covert,



1 it is difficult to accurately measure the scope of the problem,
2 and exploited youth may not identify themselves as victims.

3 The legislature finds that, in order to adequately serve
4 children who have been sexually exploited, a statewide
5 coordinator and program are needed to develop and utilize
6 comprehensive interagency case management strategies, protocols,
7 and a multi-disciplinary response that is both victim-centered
8 and offender-focused. The human trafficking coordinator and the
9 department of the attorney general will provide leadership in
10 addressing both commercial sexual exploitation and human
11 trafficking more broadly.

12 Accordingly, the purpose of this Act is to:

13 (1) Establish a statewide coordinator and program within
14 the department of the attorney general to address the
15 needs of victims of human trafficking;

16 (2) Require the department of the attorney general to
17 provide reports to the legislature on the State's
18 efforts to address the commercial sexual exploitation
19 of children and human trafficking; and

20 (3) Require the children's justice program to coordinate
21 the investigation and case management of human



1 trafficking cases, including cases involving the
2 sexual exploitation of children.

3 SECTION 2. Chapter 28, Hawaii Revised Statutes, is amended
4 by adding a new part to be appropriately designated and to read
5 as follows:

6 "PART : HUMAN TRAFFICKING STATEWIDE COORDINATOR AND PROGRAM

7 §28-A Definitions. As used in this part:

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

9 "Commercial sexual exploitation of children" means any
10 sexual activity involving a child for the exchange or promise of
11 anything of value by any person.

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

13 "Human trafficking" includes "severe forms of trafficking
14 in persons", as defined in title 22 United States Code section
15 7102(11), and "sex trafficking", as defined in title 22 United
16 States Code section 7102(12).

17 "Statewide coordinator" means the statewide coordinator on
18 human trafficking established in this part.

19 §28-B Human trafficking statewide coordinator and program.

20 (a) The attorney general shall appoint a statewide coordinator



1 on human trafficking for the proper administration and
2 enforcement of this chapter without regard to chapter 76.

3 (b) The department shall develop and implement a program
4 to prevent and to assist victims of human trafficking.

5 (c) The program shall:

6 (1) Assess the current needs of the State's anti-
7 trafficking response and:

8 (A) Develop a statewide strategy to prevent human
9 trafficking; and

10 (B) Develop a plan to provide increased support and
11 assistance to victims of the commercial sexual
12 exploitation of children and victims of human
13 trafficking;

14 (2) Implement statewide strategies to address offender
15 accountability through law enforcement efforts,
16 prosecutions, and crime prevention efforts;

17 (3) Promote public awareness of:

18 (A) Human trafficking and the commercial sexual
19 exploitation of children;

20 (B) The availability of services for victims of human
21 trafficking; and



- 1 (C) The availability of state and national hotlines
2 for victims and witnesses;
- 3 (4) Produce and maintain information materials, including
4 a website, on the prevention of human trafficking and
5 the sexual exploitation of children and on the
6 availability of public resources for victims and
7 witnesses;
- 8 (5) Develop and provide comprehensive training on how to
9 prevent, identify, and address human trafficking and
10 the commercial exploitation of children; and
- 11 (6) Apply for and monitor federal funding for anti-
12 trafficking efforts.
- 13 (d) The department shall submit a report to the
14 legislature no later than twenty days prior to the convening of
15 the regular session of 2022 on the State's efforts to address
16 the commercial sexual exploitation of children; and shall submit
17 a report to the legislature no later than twenty days prior to
18 the convening of the regular session of 2023 on the State's
19 efforts to address human trafficking. Each report shall
20 include:



- 1 (1) Plans to assist local and state agencies in
2 identifying and responding to victims;
- 3 (2) Best practices used in other states to identify and
4 serve victims;
- 5 (3) A comprehensive evaluation of applicable programs and
6 services currently offered by the State;
- 7 (4) Strategies for public outreach and education;
- 8 (5) An assessment of barriers that inhibit law
9 enforcement, service providers, government agencies,
10 and non-governmental organizations in the State from
11 supporting victims and holding offenders accountable;
- 12 (6) A review of criminal statutes in chapter 712 on
13 prostitution and sex trafficking;
- 14 (7) Plans for a training program for educators, community
15 members, members of law enforcement entities, and
16 mandatory reporters of child abuse, including an
17 outline of the training content and an assessment of
18 whether mandatory training is required and in what
19 intervals;



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- 1 (8) Statewide assessment tools for first responders,
2 medical professionals, and service providers for use
3 in identifying victims;
- 4 (9) Plans for prevention strategies that mitigate the risk
5 factors for victims and offenders;
- 6 (10) Recommendations for enhancing statewide collaboration
7 and coordination through multidisciplinary teams,
8 committees, and task forces;
- 9 (11) An analysis of the existing data regarding
10 trafficking, which may include but shall not be
11 limited to the following:
 - 12 (A) Data specific to the commercial sexual
13 exploitation of children, including:
 - 14 (i) The number of reports to state and national
15 hotlines alleging the sexual trafficking of
16 a minor;
 - 17 (ii) The total number of children suspected to be
18 victims of sex trafficking, including
19 demographic information and information on
20 whether each child was previously served by



1 the department or by the department of human
2 services;

3 (iii) The total number of children confirmed to be
4 victims of sex trafficking, including
5 demographic information and information on
6 whether each child was previously served by
7 the department or by the department of human
8 services;

9 (iv) Data collected by state-contracted
10 providers, including the types and aggregate
11 costs of services provided to children who
12 are suspected or confirmed victims of sex
13 trafficking, the number of children
14 receiving each type of service, and the
15 total number of new children and families
16 served through these providers; and

17 (v) Delineated by county, the number of
18 prosecutions and convictions in the State
19 for crimes related to human trafficking or
20 the commercial sexual exploitation of
21 children;



- 1 (B) Data specific to sex and labor trafficking;
- 2 (C) The identification of any gaps in the State's
- 3 ability to collect data; and
- 4 (D) Recommendations for improving data collection and
- 5 data sharing among service providers, non-
- 6 governmental organizations, and government
- 7 agencies, including law enforcement; and
- 8 (12) Any proposed legislation.

9 (e) The program may submit additional reports to the
10 legislature providing data, status updates, and recommendations,
11 as determined by the department.

12 (f) Every public official and state and county department
13 shall render all necessary assistance and cooperation within the
14 official's or department's jurisdictional power to share
15 information and to assist the program in carrying out its duties
16 under this part."

17 SECTION 3. Section 588-1, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) The purpose of the program shall be to:

- 20 (1) Develop, achieve, and maintain interagency and
- 21 interprofessional cooperation and coordination in the



- 1 investigation [e] and case management of
2 [~~intrafamilial and extrafamilial~~] child sex abuse
3 [and], serious physical child abuse, and human
4 trafficking cases [7], including cases involving the
5 commercial sexual exploitation of children;
- 6 (2) Facilitate in an impartial manner the professional
7 gathering of information by public and private
8 agencies and their providers for court proceedings
9 involving child victims and witnesses;
- 10 (3) Reduce to the absolute minimum the number of
11 interviews of child sex abuse and child human
12 trafficking victims so as to minimize revictimization
13 of the child;
- 14 (4) Coordinate the therapeutic and treatment program for
15 child sex abuse and child human trafficking victims
16 and their families;
- 17 (5) Provide for a multidisciplinary team and case
18 management approach which is focused first, on the
19 alleged or suspected child sex abuse or child human
20 trafficking victim's needs and conditions; second, on
21 the family members who are supportive of the child and



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1 whose interests are consistent with the best interests
 2 of the child; and third, on law enforcement and
 3 prosecutorial needs;

4 (6) Provide for the training and continuing education of
 5 skilled professional interviewers of child sex abuse
 6 and child human trafficking victims; and

7 (7) Serve as the focus of information and referral for
 8 child sex abuse and child human trafficking programs."

9 SECTION 4. In codifying the new sections added by section
 10 2 of this Act, the revisor of statutes shall substitute
 11 appropriate section numbers for the letters used in designating
 12 the new sections in this Act.

13 SECTION 5. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect upon its approval.

16

INTRODUCED BY: Paul Abund



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Report Title:

Commercial Sexual Exploitation of Children; Human Trafficking; Coordinator; Prevention; Treatment

Description:

Establishes a statewide coordinator and program within the department of the attorney general to provide services and assistance to sexually exploited children and victims of human trafficking. Requires the attorney general to submit reports to the legislature. Requires the children's justice program to coordinate the investigation and case management of human trafficking cases, including cases involving the sexual exploitation of children.

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