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# 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;



- 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 child;
    - 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 coordinator may submit additional reports  
10 to the legislature providing data, status updates, and  
11 recommendations, 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 [øf] and case management of  
2 [~~intrafamilial and extrafamilial~~] child sex abuse  
3 [~~and~~], serious physical child abuse, and human  
4 trafficking cases[+], 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



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.



**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. (SD1)

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

