

STAND. COM. REP. NO. **2892**

Honolulu, Hawaii

**MAR 0 1 2024**

RE: S.B. No. 2758  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2758 entitled:

"A BILL FOR AN ACT RELATING TO SEX TRAFFICKING,"

begs leave to report as follows:

The purpose and intent of this measure is to support survivors of sex trafficking by authorizing civil claims to be made against a business, owner, or operator of a transient accommodation, or other commercial entity that profits from sexual exploitation.

Your Committee received testimony in support of this measure from one member of the Hawai'i County Council, Imua Alliance, St. Michael the Archangel Church, and thirty-two individuals.

Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that sex trafficking is a form of modern-day slavery. Additionally, Imua Alliance, a victim service provider for survivors of sex trafficking and sexual violence, estimates that one hundred fifty establishments participate in the commercial sex trade in the State, increasing the high risk for sex trafficking. This measure will empower survivors of sexual exploitation to seek civil remedies from the owner and operators of establishments in which they have been harmed.



Your Committee has amended this measure by:

- (1) Clarifying that a cause of action for coercion into sexual exploitation or sex trafficking exists against a person, business, an owner of a business, or an operator of a business;
- (2) Clarifying that, regarding a cause of action for coercion into sexual exploitation or sex trafficking, "business" includes a transient accommodation or other commercial activity;
- (3) Clarifying that the act of disregarding notification or other indications that an individual is being coerced into sexual exploitation or sex trafficking on premises controlled by a person, business, an owner of a business, or an operator of a business may serve as evidence in support of a claim for coercion into sexual exploitation or sex trafficking;
- (4) Deleting redundant language that would have explicitly included punitive damages as a form of damages an individual may recover for a claim for coercion into sexual exploitation or sex trafficking; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2758, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2758, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 2758</b>	Committee Referral: <b>JDC</b>	Date: <b>02/13/24</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)				✓
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

**\*Only one measure per Record of Votes**