



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.B. NO. 2758, S.D. 1, RELATING TO SEX TRAFFICKING.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Tuesday, March 12, 2024 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Justine Hura, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments on the bill.

This bill's stated purpose 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.

Current law already allows a cause of action against a person for sex trafficking. Among other things, the bill amends section 663J-3, Hawaii Revised Statutes (HRS), to add a cause of action for coercion into sexual exploitation or sex trafficking against a business, owner, or operator of a transient accommodation, or other commercial entity for using various forms of coercion into sexual exploitation or for profiting from sexual exploitation or sex trafficking.

If the bill's intent is also to increase the statute of limitations for this cause of action, the Department respectfully recommends amending section 663J-7, HRS, to expand the time limit to a maximum period of time instead of making it open-ended with no limitation, and to retain the tolling provisions presently in section 663J-7(b). Abolishing the statute of limitations (see the proposed amendment to section 663J-7 made by section 9 of the bill on page 8, line 19, to page 9, line 16) may create potential due process or evidentiary issues for future litigants.

Thank you for the opportunity to testify.

SB-2758-SD-1

Submitted on: 3/8/2024 6:22:11 PM

Testimony for JHA on 3/12/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch	Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 supports SB2758. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member



SB 2758, SD1, RELATING TO SEX TRAFFICKING

MARCH 12, 2024 · JHA HEARING

POSITION: Support.

RATIONALE: Imua Alliance supports SB 2758, SD1, relating to sex trafficking, which authorizes civil claims to be made against a business, owner, or operator of a transient accommodation, or other commercial entity that profits from sexual exploitation.

Imua Alliance is a victim service provider for survivors of sex trafficking. Over the past 15 years, we have provided comprehensive direct intervention (victim rescue) services to over 200 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation. During the pandemic, demand for victim services to our organization skyrocketed by 330 percent, driven in part by a fivefold increase in direct crisis calls.

Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily trauma bonded to her pimp that while under his grasp, she couldn't remember her own name. Yet, sadly, many of the victims with whom we work are misidentified as so-called "voluntary prostitutes" and are subsequently arrested and incarcerated, with no financial resources from which to pay for their release.

Sex trafficking is a profoundly violent crime. At least 23 percent of trafficking victims in Hawai'i report being first exploited before turning 18, according to a recent report, with the average age of trafficked keiki's initial exposure to exploitation being 11. Based on regular outreach and monitoring, we estimate that approximately 150 high-risk sex trafficking establishments operate in Hawai'i. In a recent report conducted by the State Commission on the Status of Women, researchers from Arizona State University found that 1 in every 11 adult males living in our state buys sex online. When visitors are also counted, that number worsens to 1 in every 7 men walking the streets of our island home and a daily online sex buyer market of 18,614 for O'ahu and a total sex buyer population for the island of 74,362, including both tourists and residents.

ASU's findings are grim, but not surprising to local organizations that provide services to survivors of sex trafficking. Imua Alliance, for example, has trained volunteers to perform outreach to victims in high-risk locations, like strip clubs, massage parlors, and hostess bars. More than 80 percent of runaway youth report being approached for sexual exploitation while on the run, over 30 percent of whom are targeted within the first 48 hours of leaving home. With regard to mental health, sex trafficking victims are twice as likely to suffer from PTSD as a soldier in a war zone.

Greater than 80 percent of victims report being repeatedly raped and 95 percent report being physically assaulted, numbers that are underreported, according to the United States Department of State and numerous trauma specialists, because of the inability of many victims to recognize sexual violence. As one underage survivor told Imua Alliance prior to being rescued, "I can't be raped. Only good girls can be raped. I'm a bad girl. If I *want* to be raped, I have to *earn* it."

Accordingly, **we support measures to advance our state's fight against sexual servitude, including this bill's effort to empower survivors to pursue civil claims against businesses that willingly turn a blind eye to exploitation that happens on their premises.** Too often, the owners and operators of such businesses are allowed to escape culpability for their role in facilitating sex trafficking, as they overlook exploitation to pad their profit margins.

Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org

SB-2758-SD-1

Submitted on: 3/8/2024 11:57:01 AM

Testimony for JHA on 3/12/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christine Johnson	Individual	Support	Written Testimony Only

Comments:

Aloha Dear Legislators!

I Fully Support this Bill.

As a Retired Registered Nurse who is still involved in sexual assault issues and as a survivor of child and adult sexual assault, i have learned first hands that it takes a village for sex trafficking and all sexual abuse to happen, to continue to happen, and to cover up and try to pretend it either didn't happen, or it was only one bad person involved..

Mahalo for this Bill and for your attention and yes vote..

Respectfully,

Christine Johnson

Makaha

SB-2758-SD-1

Submitted on: 3/8/2024 12:29:13 PM

Testimony for JHA on 3/12/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Fully support. Those who enable sex trafficking should be fully accountable for their actions. Especially saddened to learn that sixty-four per cent of individuals identified as victims of sexual exploitation possessed at least partial Native Hawaiian ancestry.