

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



GOV. MSG. NO. 1120

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

April 22, 2025

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Third State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Nadine Nakamura
Speaker, and Members of the
House of Representatives
Thirty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Aloha President Kouchi, Speaker Nakamura, and Members of the Legislature:

This is to inform you that on April 22, 2025, the following bill was signed into law:

H.B. NO. 111

RELATING TO SEX TRAFFICKING.
ACT 020

Mahalo,

Josh Green, M.D.

Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO SEX TRAFFICKING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that sex trafficking is a
2 form of modern-day slavery. According to a 2018 report
3 published by Arizona State University and the Hawaii state
4 commission on the status of women, one out of every eleven adult
5 male residents of Hawaii are online sex shoppers. The report
6 also estimated that there were 74,362 potential sex buyers in
7 Hawaii. Moreover, Imua Alliance, a victim service provider for
8 survivors of sex trafficking and sexual violence, estimates that
9 one hundred fifty establishments participate in the commercial
10 sex trade in the State, increasing the high risk for sex
11 trafficking. During the coronavirus disease 2019 pandemic, a
12 service provider for sex trafficking victims in Hawaii reported
13 seeing a three hundred per cent increase in demand for victim
14 services.

15 The legislature additionally finds that Native Hawaiians
16 and Pacific Islanders are disproportionately overrepresented in
17 the State's sex trafficking survivor population. In a survey



1 conducted by the Hawaii state commission on the status of women
2 and Arizona State University, sixty-four per cent of individuals
3 identified as victims of sex trafficking reported at least
4 partial Native Hawaiian ancestry. According to the report,
5 "[t]he overutilization of Native Hawaiians to meet sex buyer
6 demand may be directly linked to structural economic coercion
7 and vulnerabilities connected to land dispossession, exposure to
8 sexual violence, hypersexualization, incarceration, cultural
9 dislocation, intergenerational trauma, mental and emotional
10 distress, racism, poverty, and ongoing inequities."

11 Accordingly, the purpose of this Act is to support
12 survivors of sex trafficking by:

13 (1) Authorizing civil claims to be made against a person,
14 business, business owner, or business operator that
15 profits from sexual exploitation or sex trafficking;
16 and

17 (2) Extending the statute of limitations for civil claims
18 related to sexual exploitation or sex trafficking to
19 ten years.

20 SECTION 2. Chapter 663J, Hawaii Revised Statutes, is
21 amended by amending its title to read as follows:



1 "[-]CHAPTER 663J[+]
2 LIABILITY FOR COERCION INTO [PROSTITUTION] SEX TRAFFICKING AND
3 SEXUAL EXPLOITATION"

4 SECTION 3. Section 663J-1, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§663J-1 Title.** This chapter may be cited as the Sex
7 Trafficking and [~~Prostitution~~] Sexual Exploitation Coercion
8 Liability Act."

9 SECTION 4. Section 663J-2, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§663J-2 Definitions.** As used in this chapter:

12 "Business" includes a transient accommodation or any other
13 commercial activity.

14 "Coerce" means to use or threaten to use any form of
15 domination, restraint, or control for the purpose of causing an
16 individual to engage in or remain in [~~prostitution~~] sexual
17 exploitation or to relinquish earnings derived from
18 [~~prostitution.~~] sexual exploitation. Coercion exists if the
19 totality of the circumstances establish the existence of
20 domination, restraint, or control that would have the reasonably
21 foreseeable effect of causing an individual to engage in or



1 remain in [~~prostitution~~] sexual exploitation or to relinquish
2 earnings derived from [~~prostitution.~~] sexual exploitation.

3 [~~"Promoting prostitution" means promoting prostitution as~~
4 ~~provided in section 712-1203.~~

5 "~~Prostitution" has the same meaning as provided in section~~
6 ~~712-1200.]~~

7 "Sex trafficking" [~~has the same meaning as provided in]~~
8 means any act included under section 712-1202[-] or 712-1203.

9 "Sexual exploitation" has the same meaning as
10 "prostitution" as that offense is described in section 712-
11 1200."

12 SECTION 5. Section 663J-3, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§663J-3 Cause of action for coercion into [~~prostitution~~]**
15 **sexual exploitation or sex trafficking.** An individual [~~has~~]
16 shall have a cause of action against a person, business,
17 business owner, or business operator who:

- 18 (1) Coerced the individual into [~~prostitution~~] sexual
19 exploitation or to remain in [~~prostitution,~~] sexual
20 exploitation, or subjected the individual to sex
21 trafficking;



1 (2) Used coercion to collect or receive any of the
2 individual's earnings derived from [~~prostitution~~]
3 sexual exploitation or from being the subject of sex
4 trafficking; [~~or~~]

5 (3) Hired, or attempted to hire, the individual to engage
6 in [~~prostitution,~~] sexual exploitation, when a
7 reasonable person would believe that the individual
8 was coerced into [~~prostitution~~] sexual exploitation by
9 another person or was being subjected to sex
10 trafficking[-]; or

11 (4) Profited from coercing the individual into sexual
12 exploitation or subjecting the individual to sex
13 trafficking."

14 SECTION 6. Section 663J-4, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "[+]§663J-4[+] **Evidence.** Acts that may serve as evidence
17 in support of a claim under section 663J-3 include but are not
18 limited to:

- 19 (1) Physical force or threats of physical force;
20 (2) Physical or mental torture;



- 1 (3) Leading an individual to believe that the individual
- 2 will be protected from violence or arrest;
- 3 (4) Kidnapping;
- 4 (5) Blackmail;
- 5 (6) Extortion;
- 6 (7) Threat of criminal prosecution for any violation of
- 7 the law;
- 8 (8) Threat of interference with parental rights;
- 9 (9) Restriction or interference with speech or
- 10 communication with others;
- 11 (10) Isolation;
- 12 (11) Exploitation of pornographic performance;
- 13 (12) Interference with opportunities for education;
- 14 (13) Destroying property of the individual;
- 15 (14) Restriction of movement; [~~o~~]
- 16 (15) In the case of a person coerced while a minor:
- 17 (A) Exploiting needs for food, shelter, safety,
- 18 affection, or intimate relationship;
- 19 (B) Exploiting a condition of developmental
- 20 disability, cognitive limitation, affective
- 21 disorder, or substance dependency;



1 (C) Promise of legal benefit, such as posting bail,
2 procuring an attorney, protecting from arrest, or
3 promising unionization;

4 (D) Promise of financial rewards; or

5 (E) Defining the terms of an individual's employment
6 or working conditions in a manner that is likely
7 to lead to the individual's use in

8 [~~prostitution.~~] sexual exploitation; or

9 (16) Disregarding notification or other indications that an
10 individual is being coerced into sexual exploitation
11 or subjected to sex trafficking on premises controlled
12 by the person, business, business owner, or business
13 operator."

14 SECTION 7. Section 663J-5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§663J-5 Damages.** An individual entitled to bring an
17 action under section 663J-3 may recover all of the following
18 damages:

19 (1) Economic damages proximately caused by coercion into
20 [~~prostitution~~] sexual exploitation or being the
21 subject of sex trafficking;



- 1 (2) Noneconomic damages proximately caused by coercion
- 2 into [~~prostitution~~] sexual exploitation or being the
- 3 subject of sex trafficking;
- 4 (3) Exemplary damages;
- 5 (4) Reasonable attorney's fees; and
- 6 (5) Costs of suit, including reasonable expenses for
- 7 expert testimony."

8 SECTION 8. Section 663J-6, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) In the discretion of the court, two or more
11 individuals may join in one action under this chapter as
12 plaintiffs if their respective actions involve a person,
13 business, business owner, or business operator who [~~engages in~~
14 ~~promoting prostitution by coercion or subjecting~~] coerced the
15 individuals into sexual exploitation, subjected the individuals
16 to sex trafficking, or profited from coercing the individuals
17 into sexual exploitation or subjecting the individuals to sex
18 trafficking."

19 SECTION 9. Section 663J-7, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "**§663J-7 Statute of limitations.** (a) A claim under this
2 chapter ~~[may]~~ shall not be brought against a person, business,
3 business owner, or business operator more than ~~[six]~~ ten years
4 after an act of ~~[promoting prostitution by]~~ coercion into sexual
5 exploitation or an act of sex trafficking by that person.

6 (b) The limitation period provided for in this chapter
7 ~~[is]~~ shall be tolled:

8 (1) During the minority of the individual who engages in
9 ~~[prostitution]~~ sexual exploitation; or

10 (2) Any time there is a criminal offense investigation
11 being actively conducted against the defendant by a
12 governmental agency or there is a criminal offense
13 charge, information, or indictment pending against the
14 defendant."

15 SECTION 10. Section 663J-8, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§663J-8 Stay of action.** On motion by a governmental
18 agency involved in an investigation or prosecution for
19 ~~[promoting prostitution]~~ sexual exploitation or sex trafficking,
20 an action brought under this chapter shall be stayed until the



1 completion of the criminal investigation or prosecution that
2 gave rise to the motion for a stay of the action."

3 SECTION 11. Section 663J-9, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§663J-9 Other remedies preserved.** The remedies provided
6 under this chapter [~~de~~] shall not restrict the right of any
7 individual to bring an action under any other law, including
8 common law, to recover damages arising out of the use of the
9 individual in [~~prostitution,~~] sexual exploitation, or subjecting
10 the individual to sex trafficking, or the coercion incident to
11 the individual being used in [~~prostitution~~] sexual exploitation
12 or sex trafficking; nor [~~does~~] shall this chapter limit or
13 restrict the liability of any person, business, business owner,
14 or business operator under any other law."

15 SECTION 12. This Act does not affect rights and duties
16 that matured, penalties that were incurred, and proceedings that
17 were begun before its effective date.

18 SECTION 13. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 14. This Act shall take effect upon its approval.

21



H.B. NO. 111

INTRODUCED BY: *Linda Rodriguez*
JAN 14 2025



H.B. NO. ¹¹¹

APPROVED this 22nd day of April, 2025

A handwritten signature in black ink, appearing to read "James I. Holohan". The signature is fluid and cursive, with a large initial "J" and "H".

GOVERNOR OF THE STATE OF HAWAII

HB No. 111

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: February 28, 2025
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2025.



Nadine K. Nakamura
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: **APR 04 2025**
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the Senate of the Thirty-Third Legislature of the State of Hawaii, Regular Session of 2025.



Ronald D. Kouchi
President of the Senate



Carol T. Taniguchi
Clerk of the Senate