

ACT 119

H.B. NO. 2038

A Bill for an Act Relating to Human Trafficking.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 706, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§706- Human trafficking victim services fund. (1) In addition to any disposition authorized by chapter 706, any individual who is:

- (a) Convicted of an offense under part VIII of chapter 707; or
- (b) Convicted of an offense under part I of chapter 712;

shall be ordered to pay a fee under subsection (2).

(2) Fees for individuals subject to subsection (1) shall not exceed the following:

- (a) \$5,000 when the offense is a class A felony;
- (b) \$2,500 when the offense is a class B felony;
- (c) \$1,000 when the offense is a class C felony;
- (d) \$500 when the offense is a misdemeanor; or
- (e) \$250 when the offense is a petty misdemeanor.

(3) There is established within the state treasury a special fund to be known as the human trafficking victim services fund to be administered by the department of labor and industrial relations. The disbursement of money from the human trafficking victim services fund shall be used to supplement programs, grants, or purchase of service contracts that support or provide comprehensive services to victims of labor trafficking crimes under part VIII of chapter 707, or victims of trafficking related to crimes under part I of chapter 712. Moneys in the special fund shall be used for new or existing programs, grants, or purchase of service contracts and shall not supplant any other moneys previously allocated to these programs, grants, or purchase of service contracts.

(4) All fees paid and interest accrued on funds collected pursuant to this section shall be deposited into the human trafficking victim services fund.

(5) When a defendant is ordered to make payments in addition to the human trafficking victim services fee authorized under subsection (2), payments by the defendant shall be made in the following order of priority:

- (a) Restitution imposed under section 706-646, 707-785, or 707-786;
- (b) Crime victim compensation fee imposed under section 351-62.6;
- (c) Probation services fee imposed under section 706-648;

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- (d) Human trafficking victim services fee imposed under subsection (2);
- (e) Other fees; and
- (f) Fines.
- (6) The department of labor and industrial relations shall submit to the legislature no later than twenty days prior to the convening of each regular session a written annual report that provides the following:
 - (a) An accounting of the receipts of and expenditures from the human trafficking victim services fund; and
 - (b) Any recommendations to improve support of and services to victims of labor trafficking crimes under part VIII of chapter 707, or victims of trafficking related to crimes under part I of chapter 712.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.
(Approved June 20, 2014.)

Note

- 1. Edited pursuant to HRS §23G-16.5.