

ACT 20

H.B. NO. 111

A Bill for an Act Relating to Sex Trafficking.

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

SECTION 1. The legislature finds that sex trafficking is a form of modern-day slavery. According to a 2018 report published by Arizona State University and the Hawaii state commission on the status of women, one out of every eleven adult male residents of Hawaii are online sex shoppers. The report also estimated that there were 74,362 potential sex buyers in Hawaii. Moreover, 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. During the coronavirus disease 2019 pandemic, a service provider for sex trafficking victims in Hawaii reported seeing a three hundred per cent increase in demand for victim services.

The legislature additionally finds that Native Hawaiians and Pacific Islanders are disproportionately overrepresented in the State's sex trafficking sur-

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

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

- (1) Authorizing civil claims to be made against a person, business, business owner, or business operator that profits from sexual exploitation or sex trafficking; and
- (2) Extending the statute of limitations for civil claims related to sexual exploitation or sex trafficking to ten years.

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

**~~“[H]CHAPTER 663J[H]~~
LIABILITY FOR COERCION INTO ~~[PROSTITUTION]~~ SEX
TRAFFICKING AND SEXUAL EXPLOITATION”**

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

“§663J-1 Title. This chapter may be cited as the Sex Trafficking and ~~[Prostitution]~~ Sexual Exploitation Coercion Liability Act.”

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

“§663J-2 Definitions. As used in this chapter:

“Business” includes a transient accommodation or any other commercial activity.

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

~~“Promoting prostitution” means promoting prostitution as provided in section 712-1203.~~

~~“Prostitution” has the same meaning as provided in section 712-1200.]~~

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

“Sexual exploitation” has the same meaning as “prostitution” as that offense is described in section 712-1200.”

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

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

- (1) Coerced the individual into [~~prostitution~~] sexual exploitation or to remain in [~~prostitution~~] sexual exploitation, or subjected the individual to sex trafficking;
- (2) Used coercion to collect or receive any of the individual's earnings derived from [~~prostitution~~] sexual exploitation or from being the subject of sex trafficking; [~~or~~]
- (3) Hired, or attempted to hire, the individual to engage in [~~prostitution~~] sexual exploitation, when a reasonable person would believe that the individual was coerced into [~~prostitution~~] sexual exploitation by another person or was being subjected to sex trafficking[~~;~~];
or
- (4) Profited from coercing the individual into sexual exploitation or subjecting the individual to sex trafficking."

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

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

- (1) Physical force or threats of physical force;
- (2) Physical or mental torture;
- (3) Leading an individual to believe that the individual will be protected from violence or arrest;
- (4) Kidnapping;
- (5) Blackmail;
- (6) Extortion;
- (7) Threat of criminal prosecution for any violation of the law;
- (8) Threat of interference with parental rights;
- (9) Restriction or interference with speech or communication with others;
- (10) Isolation;
- (11) Exploitation of pornographic performance;
- (12) Interference with opportunities for education;
- (13) Destroying property of the individual;
- (14) Restriction of movement; [~~or~~]
- (15) In the case of a person coerced while a minor:
 - (A) Exploiting needs for food, shelter, safety, affection, or intimate relationship;
 - (B) Exploiting a condition of developmental disability, cognitive limitation, affective disorder, or substance dependency;
 - (C) Promise of legal benefit, such as posting bail, procuring an attorney, protecting from arrest, or promising unionization;
 - (D) Promise of financial rewards; or
 - (E) Defining the terms of an individual's employment or working conditions in a manner that is likely to lead to the individual's use in [~~prostitution~~] sexual exploitation; or
- (16) Disregarding notification or other indications that an individual is being coerced into sexual exploitation or subjected to sex trafficking on premises controlled by the person, business, business owner, or business operator."

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

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

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

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

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

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

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

- (b) The limitation period provided for in this chapter [~~is~~] shall be tolled:
 - (1) During the minority of the individual who engages in [~~prostitution~~] sexual exploitation; or
 - (2) Any time there is a criminal offense investigation being actively conducted against the defendant by a governmental agency or there is a criminal offense charge, information, or indictment pending against the defendant."

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

"**§663J-8 Stay of action.** On motion by a governmental agency involved in an investigation or prosecution for [~~promoting prostitution~~] sexual exploitation or sex trafficking, an action brought under this chapter shall be stayed until the completion of the criminal investigation or prosecution that gave rise to the motion for a stay of the action."

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

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

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

ACT 20

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

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

(Approved April 22, 2025.)