

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**CRIME VICTIM COMPENSATION  
COMMISSION**

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Interim Commissioner

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Executive Director

TESTIMONY ON SENATE BILL 265  
RELATING TO SEX TRAFFICKING

Pamela Ferguson-Brey, Executive Director  
Crime Victim Compensation Commission

Senate Committee on Judiciary and Labor  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

Friday, February 20, 2015; 9:00 AM  
State Capitol, Conference Room 016

Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Senate Committee on  
Judiciary and Labor:

Thank you for providing the Crime Victim Compensation Commission (“Commission”) with the opportunity to testify before you today. The Commission supports with amendments the passage of Senate Bill 265, Relating to Sex Trafficking. Senate Bill 265, in part, seeks to amend Hawai‘i Revised Statute (hereafter “HRS”) chapter 351 to include Labor Trafficking in the First Degree (HRS § 707-781) and Promoting Prostitution in the First Degree (HRS § 712-1202) as crimes for which the Commission can provide compensation.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Since fiscal year 2003, victim compensation has been funded solely from the collection of the Crime Victim Compensation Fee (hereafter “Compensation Fee”), the collection of restitution, and matching federal funds. Without compensation from the Commission, many

victims of violent crimes could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one.

Compensation by the Commission is limited to victims who are physically injured as a result of violent crimes. HRS § 351-32 states that the Commission can provide compensation for the following violent crimes: Murder in the First Degree, Murder in the Second Degree, Manslaughter, Negligent Homicide in the First Degree, Negligent Homicide in the Second Degree, Negligent Injury in the First Degree, Negligent Injury in the Second Degree, Assault in the First Degree, Assault in the Second Degree, Assault in the Third Degree, Kidnapping, Sexual Assault in the First Degree, Sexual Assault in the Second Degree, Sexual Assault in the Third Degree, Sexual Assault in the Fourth Degree, Abuse of Family and Household Member, and Terrorism. Crimes involving threat of harm such as terroristic threatening and crimes involving financial harm such as extortion and theft are not compensable crimes.

The Commission provides compensation to victims of violent crimes even if the violent crime is not charged or prosecuted as one of the enumerated crimes as long as the facts establish one of the crimes enumerated in HRS § 351-32. Thus, the Commission has provided compensation to victims of Labor Trafficking in the First Degree and Promoting Prostitution in the First Degree who have suffered physical injuries as a result of assaults committed in the course of those crimes because the assaults are covered crimes under HRS § 351-32.

However, victims of Labor Trafficking in the First Degree and Promoting Prostitution in the First Degree who did not suffer physical assaults but were coerced through a threat of force are not eligible for compensation because the threat of force is the equivalent of terroristic threatening which is not a covered crime. This bill proposes to make these victims of terroristic threatening, by virtue of their being victims of labor trafficking and promoting prostitution, eligible for compensation but continues to exclude all other victims of terroristic threatening.

While the Commission would like to provide compensation to the victims of all crimes, the Commission does not have the financial resources to provide compensation to all victims. The Compensation Fee is the Commission's primary source of non-tax revenue and the assessment

and collection of the Fee is vital to the Commission remaining fiscally self-sufficient. In the past years, the Commission has seen a decrease in the collection of the Compensation Fee and an increase in medical expenses. If the current trend continues, the Commission will be unable to provide compensation to victims of crimes that are currently enumerated in HRS § 351-32 without an additional source of revenue.

If the legislature is inclined to expand the crimes for which the Commission provides compensation, the Commission requests that the bill be amended to exempt the Commission from the Special Fund Assessments. The Commission is required to pay the Special Fund Assessments which consists of a five percent (5%) central service expense fee and a pro-rata share of administrative expenses incurred by PSD. In Fiscal Year 2013, the Commission paid \$79,074.00 for the Special Fund Assessments. The Special Fund Assessment is assessed on all non-tax revenue such as the Compensation Fees and restitution payments received from criminal defendants which are direct reimbursement for compensation awards to crime victims. The Commission pays the Special Fund Assessment on income received that will be awarded to victims and then pays the Special Fund Assessment on any restitution received as reimbursement for money awarded to victims. The exemption is necessary for the Commission to provide compensation for the victims proposed under this bill and to continue to provide compensation for the victims currently enumerated in HRS 351.

Thank you for providing the Commission with the opportunity to testify in support with amendments of Senate Bill 265.



# Office of the Public Defender State of Hawaii



**Timothy Ho, Chief Deputy Public Defender**  
**Testimony of the Office of the Public Defender,**  
**State of Hawaii to the Senate Committee on Judiciary and Labor**

February 20, 2015, 9:00 a.m.

RE: S.B. 265: Relating To Sex Trafficking

Chair Keith-Agaran and Members of the Committee:

This measure proposes sweeping changes to our prostitution statutes by changing the name of the offense to sex trafficking, increasing fines and imprisonment, requiring lifetime sex offender registration, to name a few.

The Office of the Public Defender strongly opposes S.B. 265. We will address our opposition systematically as it appears in this measure.

Changing the nomenclature of the offense from promoting prostitution to sex trafficking is problematic, as well as categorizing it as a violent crime. Contrary to the belief of the proponents of this bill, not all prostitutes are victims of sex trafficking, and not all individuals who engage in the act of promoting prostitution are sex traffickers. Not all women or men who engage in the act of prostitution are compelled to do it against their will.

The definition of a violent crime in HRS §351-32 includes offenses such as murder, manslaughter, assault and sexual assault. The offenses of labor trafficking and sex trafficking (promoting prostitution) do not belong in the same category as the above-mentioned offenses. We are by no means denigrating victims of labor trafficking and prostitution, we simply believe that they are not violent crimes, by definition.

Section 7 of this measure proposes to include the offenses of sex trafficking in the first and second degree with offenses for which there is no statute of limitations. We do not agree with this proposal, and would argue that there is no justification for its inclusion with offenses that have no statute of limitations.

Section 9 and 11 of this measure seeks to redefine promoting prostitution as “sex trafficking.” We do not agree with the proposed language, in as much as the offenses of promoting prostitution in the first and second degree currently proscribe the activity of running a brothel or prostitution business. It does not proscribe “sex trafficking.” Furthermore, in section 11, sex trafficking in the second degree will also be applicable to “johns,” or customers who frequent prostitutes. We cannot stress enough the importance of separating customers

from pimps, in terms of degree of culpability and sentence. We would propose an amendment to this bill, which would create an entirely new offense of sex trafficking, which would include language such as, "intentionally or knowingly restrains another person with the intent to advance prostitution or advance a prostitution enterprise." The sale and/or transportation of another person in furtherance of a prostitution enterprise could also be considered to be sex trafficking. The offense of promoting prostitution in the first degree is already a class A felony, which is non-probationable, and subject to a twenty-year term of imprisonment.

This measure would also remove promoting prostitution in the first degree (sex trafficking in the first degree) and promoting prostitution in the second degree (sex trafficking in the second degree) from the tier 1 classification of the sex offender registry. This means that a person convicted of the above-mentioned offenses would not be able to petition the court for removal from the registry after ten years. Under this premise a "john" convicted of sex trafficking in the second degree would remain in the registry for a minimum of twenty-five years.

In the last two legislative sessions, this legislature has taken a hard stance against prostitution. A person convicted of offering to pay a prostitute for sex is no longer eligible for a deferral. A person convicted of recklessly offering to pay a prostitute who is a minor is required to register as a sex offender. This bill goes several steps too far. We strongly oppose this measure.

Thank you for the opportunity to comment on this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE GILBERT KEITH-AGARAN, CHAIR**  
**SENATE COMMITTEE ON JUDICIARY AND LABOR**  
**Twenty-Eighth State Legislature**  
**Regular Session of 2015**  
**State of Hawai`i**

February 20, 2015

**RE: S.B. 265; RELATING TO SEX TRAFFICKING.**

Chair Keith-Agaran, Vice Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to Senate Bill 265, and is particularly concerned about the proposal to change the term “promoting prostitution.”

The department has concerns about replacing the term “promoting prostitution” with the term “sex trafficking,” as this term is not defined anywhere in the Hawaii Revised Statutes (“HRS”) and such a change may confuse juries and disrupt existing case law. Notably, the proposed title of Section 712-1203, Hawaii Revised Statutes, Promoting Prostitution in the Second Degree, could be inapplicable in certain cases charged under that statute, as not all victims of promoting prostitution are “sex trafficked.” As is, the Department has been successful in prosecuting a number of promoting prostitution cases, and has been a strong advocate for holding offenders accountable to the fullest extent of the law. The changes proposed in S.B. 265 may ultimately and unnecessarily make it more difficult for the Department to prosecute these cases, making it less likely that these cases will result in convictions.

Despite our disagreement with this bill, we appreciate the work of the advocates and will continue to aggressively pursue all cases involving sexual exploitation of victims. We will also continue to identify and divert victims of promoting prostitution from the criminal process and refer them to needed services.

For the aforementioned reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu opposes Senate Bill 265. Thank you for the opportunity to testify on this matter.

**Justin F. Kollar**  
Prosecuting Attorney

**Kevin K. Takata**  
First Deputy



**Rebecca A. Vogt**  
Second Deputy

**Diana Gausepohl-White**  
Victim/Witness Program Director

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

3990 Ka'ana Street, Suite 210, Lihu'e, Hawai'i 96766  
808-241-1888 ~ FAX 808-241-1758  
Victim/Witness Program 808-241-1898 or 800-668-5734

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**TESTIMONY IN SUPPORT OF  
SB265 – RELATING TO SEX TRAFFICKING**

Justin F. Kollar, Prosecuting Attorney  
County of Kaua'i

Senate Committee on Judiciary and Labor  
February 20, 2015, 9:00 a.m., Conference Room 016

Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, **STRONGLY SUPPORTS SB265 – Relating to Sex Trafficking**. The Bill replaces the term "promoting prostitution" with the term "sex trafficking" and includes under the offense of sex trafficking in the second degree paying or offering to pay a person for sexual conduct with reckless disregard of the fact that the person may be a victim of sex trafficking. The Bill also sets maximum fines for sex trafficking offenses, includes labor trafficking in the first and second degrees and sex trafficking in the first and second degrees in the list of violent crimes for which victims may be eligible for criminal injury compensation, removes the statute of limitations for sex trafficking in the first and second degrees, changes solicitation of a minor for prostitution from a class C to class B felony, adds sex trafficking in the first and second degrees to the list of crimes for which an order to intercept wire, oral, or electronic communications is permitted, and amends the eligibility requirements for offenders of sex trafficking in the first and second degrees to be able to petition the court for termination of sex offender registration requirements.

Hawai'i is one of two states with no sex trafficking statute to define the offense of sex trafficking. This Bill will promote a more victim-centered approach, allow for keeping of accurate statistics and studies and allow for early recognition of victims as victims. Human trafficking is the fastest-growing criminal industry in the world, second only to the global drug trade. This Bill will rightly place added emphasis on the purveyors of sex trafficking

victims (i.e. the pimps and the johns) as the drivers of this global criminal enterprise and put them on notice that their conduct is not acceptable in Hawai'i.

Accordingly, we are in **STRONG SUPPORT** of SB265. We request that your Committee **PASS** the Bill.



The Public Policy Voice for the Roman Catholic Church in the State of Hawaii

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**HEARING:** Senate Committee on Judiciary & Labor, 9:00 a.m., #016  
**SUBMITTED:** February 16, 2015  
**TO:** Senate Committee on Judiciary & Labor  
Sen. Gilbert Keith-Agaran, Chair  
Senator Maile Shimabukuro, Vice Chair  
**FROM:** Walter Yoshimitsu, Executive Director  
**RE:** Support for SB 265, Relating to Sex Trafficking

Honorable Chairs and members of the Senate Committee on Judiciary & Labor, I am Walter Yoshimitsu, **representing the Hawaii Catholic Conference**. The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii, which under the leadership of Bishop Larry Silva, represents Roman Catholics in the State of Hawaii.

The Catholic Church has placed the elimination of human trafficking as an important priority in the areas of public advocacy, public education, and services with respect to the victims. We are working to raise awareness within the Catholic community about the problem, including education, to help people in the community identify and understand the problem of human trafficking.

Trafficking victims need, first and foremost, safety and security. Many of them are terrified of the traffickers who brought them to Hawaii. Providing them with a secure, safe, and nurturing environment is crucial to ensuring their return to society as contributing members. The Church and its service organizations, does all that it can to provide support services to both adult and child victims of trafficking, including health and mental health services, employment assistance, English-language training, counseling, housing and other material assistance needs; however, there is so much more to be done. This bill is a step in the right direction!

The themes of Catholic social teaching—the protection of human dignity and human rights; the option for the poor; the call to family and community; the rights of workers; solidarity and care for creation—all address evils inherent in the trafficking of human beings. These principles of justice are not unique to Catholicism but are manifest in most religions. Commitment to these principles gives the issue of human-trafficking a sense of urgency to many faiths and religious communities. For this reason we strongly support passage of this measure but respectfully leave the legal application to the experts.

Mahalo for the opportunity to testify.



ONLINE TESTIMONY SUBMITTAL  
Senate Committee on Judiciary & Labor  
Hearing on Friday, February 20, 2015  
Conference Room #016

**DATE:** February 16, 2015

**TO:** Senate Committee on Judiciary & Labor  
Senator Gilbert Keith-Agaran, Chair  
Senator Maile Shimabukuro, Vice Chair

**FROM:** Eva Andrade, Executive Director

**RE:** Support for SB 265 Relating to Sex Trafficking

Aloha and thank you for the opportunity to submit testimony in support of this measure. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations. We support this bill that would add sex trafficking to various statutes and changes solicitation of a minor for prostitution from a class C to class B felony.

The U.S. State Department estimates that thousands of human beings, many of them children, are trafficked each year into the United States to work in the sex trade or as slave labor. Women and children have been forced to work in prostitution and child pornography rings, and even coerced into different types of manual labor, without pay or protection. As an organization that cares deeply about the family, especially the children, we find this both reprehensible and unacceptable.

In Hawaii, many child victims of human trafficking commonly seek to escape their personal struggles with the hope of finding opportunity and a brighter future. It is in these types of environments that human traffickers flourish, promising these precious keiki an opportunity to travel, at no immediate expense, for employment and housing. What they find instead, is coercion, abuse, entrapment, and sexual exploitation in a brothel, a massage parlor, or an agricultural outpost. By the time they are rescued, if ever, they are shattered by physical, mental, and psychological abuse. Many become ill and some have even lost their life.

As a faith-based organization that fought to protect children from sexual exploitation (our organization was instrumental in the raising of the age of consent in Hawaii from 14 to 16), we support this measure. We cannot, however, stop there. Protection of our keiki from sexual exploitation must be a top priority for Hawaii and providing support and needed services to these victims is crucial!

Mahalo for the opportunity to support this measure.



February 17<sup>th</sup> 2015

COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
Senator Will Espero  
Senator Sam Slom

Senator Mike Gabbard  
Senator Les Ihara Jr.  
Senator Laura H. Thielen

NOTICE OF HEARING

DATE: Friday, February 20, 2015  
TIME: 9:00am  
PLACE: Conference Room 016  
State Capitol  
415 South Beretania Street

**RE: TESTIMONY IN STRONG SUPPORT OF SB265  
RELATING TO SEX TRAFFICKING**

Dear Committee on Judiciary and Labor

The Pacific Alliance to Stop Slavery (PASS) strongly supports **SB265**. The struggle to establish a sex-trafficking law began in 2005 and the implementation of this law is long overdue. A strong sex-trafficking definition would allow the state to move forward progressively in effective combatting human trafficking in a victim-centered way. Simply relying upon the current promoting prostitution statutes are not enough.

**SB265** will achieve many important things. A sex-trafficking law would not only allow us to see more accurate statistics and studies on human trafficking in Hawaii, but also would identify victims appropriately as unwilling participants in their own exploitation. These victims are not criminals. The label of “prostitute” as defined by our current law, is not only misleading but re-victimizing for survivors. And without accurate statistics and studies, much-needed programs and funding would not be realized.

Our current laws make it difficult to obtain and parse out statistics related to this crime against humanity. For example, by current law both patrons of prostitution, the “johns” are included in the same statutory category as prostituted persons, which make it nearly impossible to disaggregate the demand-side of prostitution to end the demand by increasing criminal penalties for buyers of women and children for sex.

Hawaii remains one of two states left in the nation without a statutory definition of sex trafficking. Please take this opportunity to bring Hawaii up to date with the rest of the world, with respect to defining this crime. Please pass **SB265**.

Sincerely,

Kathryn Xian  
Executive Director  
Pacific Alliance to Stop Slavery



HAWAII

AMERICANS FOR DEMOCRATIC ACTION

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February 17, 2015

Chair Senator Keith-Agaran and JDL Committee Members

Re: SB 265 Relating to Sex Trafficking  
Testimony in Support  
Hearing on February 20, 2015

Dear Senator Keith-Agaran and Members of the Committee:

Americans for Democratic Action is an organization devoted to the promotion of progressive public policies.

We support SB 265 as it would criminalize sex trafficking. Hawaii is one of only two states without a comprehensive sex trafficking ban. The lack of a sex trafficking law prevents the proper identification of victims, who are otherwise prosecuted for prostitution and branded as criminals. Sex trafficking survivors are not criminals. This bill seems to give just treatment to the traffickers and the victims.

Thank you for your consideration.

Sincerely,

John Bickel  
President



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

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## TESTIMONY FOR SENATE BILL 265, RELATING TO SEX TRAFFICKING

Senate Committee on Judiciary and Labor  
Hon. Gilbert S.C. Keith-Agaran, Chair  
Hon. Maile S.L. Shimabukuro, Vice Chair

Friday, February 20, 2015, 9:00 AM  
State Capitol, Conference Room 016

Honorable Chair Keith-Agaran and committee members:

I am Kris Coffield, representing the IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 300 local members. On behalf of our members, we offer this testimony in strong support of SB 265, relating to sex trafficking.

It's time. A half-decade after our state enacted its first human trafficking law, the moment has come to ban sex trafficking in Hawai'i. In the last five years, policymakers and anti-trafficking activists have made numerous changes to the islands' prostitution code to curb sexual exploitation. In 2011, we increased the grade of offense for promoting prostitution violations to class A and B felonies, subjecting abusive pimps to lengthy jail sentences. In 2012, we made it possible for trafficking survivors to vacate prostitution convictions that were the result of coercion. In 2013, we attacked demand for the sexual exploitation of children by criminalizing solicitation of minors for prostitution. We also required our state's approximately 150 high-risk sex-trafficking establishments, like strip clubs and hostess bars, to put up a poster with the National Human Trafficking Hotline number, and took away the ability for johns to get out of jail free by deferring their sentences. Last year, we closed a loophole that allowed law enforcement to have sex with trafficking survivors during prostitution busts. Equally importantly, we removed the "mistake of age" defense for criminals who buy sex with kids, permitted reverse stings to catch child predators, and raised fines and fees for prostitution charges to make perpetrators pay for the rehabilitation of their victims.

Yet, the progress we've made isn't enough. Hawai'i remains, today, one of only two states without a comprehensive sex trafficking ban (the other being Virginia). Put simply, we still haven't outlawed slavery on our shores. Make no mistake, sexual slavery is what we're debating. Victims of sex trafficking are no more in control of their actions than Africans oppressed under chattel slavery. According to the U.S. Department of Health and Human Services, sex trafficking survivors experience "terrorizing physical and sexual violence," as well as "multiple layers of

trauma, including psychological damage from captivity and fear of reprisals if escape is contemplated, brainwashing, and for some, a long history of family, community, or national violence.” Studies show that between 60 and 75 percent of prostituted persons are raped and as many as 95 percent are physically assaulted, according to the U.S. Department of State, which notes that such statistics are likely lower than reality because of heightened victim traumatization. Still, nearly 90 percent of prostituted women reported a strong desire to escape in a 2003 study published in the *Journal of Trauma Practice*, a number that's made more urgent by the fact that the average age of entry into the American commercial sex industry is 13-years-old.

Victims of sexual and psychological terror should not be called criminals. Rather, they should be provided with the services needed to restore their health and dignity. When we hoist the “prostitution” label on sex trafficking survivors, as Hawai'i's promoting prostitution laws inherently do, we brand them with a unjust code that impedes their ability to obtain housing, higher education, and employment. Branding is a way that pimps mark their victims as property. It has no place in the restitution of human rights. This legal circumstance is exacerbated by the fact that, under HRS §712-1200, johns and prostitutes are criminalized under the same law, creating a mind-boggling legal mess in which sex trafficking victims are penalized with the men who finance their subjugation (and creating a situation in which strengthening penalties for johns concurrently hardens sentences for victims, who are frequently misidentified as voluntary prostitutes and prosecuted for selling sex).

Hawaii is also at high risk of sex trafficking that is expedited by the internet, also known as “cybertrafficking.” Each year, pimps post roughly 110,000 ads for Hawai'i-based prostitution online, using the adult services sections of websites like Backpage.com. High-risk sex trafficking businesses, like massage parlors and escort services, use advertisements featuring nude and semi-nude images to sell sexual exploitation to johns. Legitimate relaxation enterprises are unlikely to risk being mistaken for houses of prostitution by featuring pornographic images in their ads, but brothel owners rely on this kind of commercial deception to peddle sexual subjugation. All too frequently, these businesses, along with pimps using the Internet to cloak street- or hotel-based prostitution, escape accountability for their crimes because of a lack of clarity in our promoting prostitution statutes.

To prevent our sands from being sullied by sexual servitude, lawmakers must approve Senate Bill 265, which will change the state's promoting prostitution laws into sex trafficking statutes, while recognizing sex trafficking as a violent offense whose victims should be eligible for crime victim compensation to cover medical and psychological care. This proposal would also subject johns who purchase sex from trafficked women and children to prosecution as traffickers themselves, since their money fuels the demand that drives the commercial sex industry. Admittedly, implementing a sweeping sex trafficking ban won't cure the islands of sexual slavery. It will lift the label of prostitution off of survivors' heads, though, and allow victims to be accurately identified and placed within a coordinated social services network that unites governmental resources with nongovernmental trauma response expertise.

That said, to ensure that operators of “front businesses” are brought to justice and disallowed to continue victimizing women and children, we encourage you to amend this bill by adding an additional subsection to both first and second degree sex trafficking under §712-1203 (Sections 10 and 11 of this bill) to read: “Upon conviction of a defendant for an offense under subsection (1), the court shall also order that any and all business licenses issued by the State be revoked for the business or enterprise that the defendant used to aid in the offense of sex trafficking in the first/second degree; provided that the court, in its discretion, may reinstate a business license upon petition to the court by any remaining owner or partner of the business or enterprise who was not convicted of sex trafficking in the first or second degree.” This will prevent perpetrators from using legitimate business licenses to hide trafficking activities, while providing an avenue for relevant business partners to evade financial harm for crimes to which they may have been unaware or legally exculpated. We note that the same language is used in our state's second degree labor trafficking code under HRS §707-782.

While stopping sex trafficking is an ambitious goal, passing this proposal will signal our common commitment to that cause. It will send the message that slavery will not be tolerated on our watch. Not in our neighborhoods. Not on our islands. Not anymore. Mahalo for the opportunity to testify in strong support of this bill.

Sincerely,  
Kris Coffield  
*Executive Director*  
IMUAlliance

**TESTIMONY OF JODY ALLIONE ON BEHALF OF HO'ŌLA NĀ PUA BEFORE THE  
SENATE COMMITTEE ON JUDICIARY AND LABOR**

**SB 265 RELATED TO SEX TRAFFICKING**

February 18, 2015

Chair Keith-Agaran, Chair Maile and Vice Chair Shimabukuro and members of the Committee. I am Jody Allione testifying on behalf of Ho'ōla Nā Pua, a Hawaii based non-profit with the mission to provide a home designed to meet the unique needs of underage female sex trafficking victims through the utilization of individualized, comprehensive and restorative therapies. Our vision is to provide girls who are rescued or escape from the abuse of sex trafficking with a home, a path to restoration and healing from their trauma, an increased sense of self-worth, and the confidence and ability to successfully reintegrate into their family and the community.

Some of the key purposes of SB 265 are to (1) replace the term promoting "prostitution" with the term "sex trafficking", (2) increase minimum fines for sex trafficking and (3) eliminate the ability of offenders of sex trafficking in first and second degrees to be able to petition for termination of sex offender registration requirements.

Right now, Hawaii is one of only two states without a comprehensive sex trafficking ban. The lack of a sex trafficking law prevents the proper classification of victims, who are otherwise prosecuted for prostitution and branded as criminals. Sex trafficking survivors are not criminals. They're victims of horrible crimes that violate their human dignity.

We support this measure with the following comments.

1. SB 265 is a very important bill that needs to be reviewed along with all of the impacted laws related to this issue.
2. Additionally, this bill would penalize johns who solicit sex from trafficking victims as traffickers themselves. This is an important step toward ending the demand for prostitution. When we attack johns who purchase sex from women and children, we undermine the financial cycle that keeps sex traffickers in business.
3. The average age of entrance into commercial sexual exploitation is 13 years old. For the sake of our keiki, then, we must make sure that sex traffickers are held fully accountable for their crimes, while giving victims the services they need to rebuild their lives and restore their futures. They must be protected from those who exploited them for commercial use.
4. Given the concerns that have been raised by law enforcement and the prosecutor's office, I propose that regardless of the disposition of this bill, that a task force immediately be appointed to review the impacts of this bill and to make further recommendations for changes to impacted laws that must be changed to effectively implement the intent of the law.

Mahalo for the opportunity to testify.



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FAMILY PROGRAMS HAWAII

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TO: Senator Gilbert Keith-Agaran, Chair  
Senator Maile Shimabukuro., Vice Chair  
Committee on Judiciary and Labor

HEARING: Friday, February 20, 2015  
9:00 AM  
Conference Room 016

FROM: Judith Wilhoite  
Family Advocate  
It Takes An `Ohana

RE: SB 265 Relating to Sex Trafficking

Thank you for the opportunity to testify. I am the Family Advocate for Family Program Hawaii's It Takes An `Ohana (ITAO) program and a resource caregiver, formerly referred to as foster parent. I, along with my Advisory Committee, strongly support SB 265.

I used to think that sex trafficking was as an international problem, not something that happens in the United States, let alone Hawai'i. Sadly, I was wrong. There are many factors that make Hawai'i a prime location for sex trafficking. They include:

- High rate of intra-familial sexual abuse
- High rate of Suicide
- High occurrence of runaways
- International travel destination
- Business and trade conferences
- Military hub
- Tourism

Statistics from the Department of Justice show that the average age of entry for girls is between 12 to 14 - we're not talking about young women, we are talking about children. Another horrifying fact is that fifty percent of children sold into trafficking in California are foster care children.<sup>1</sup>

Please support the changes in the law asked for in SB265. They will help us start, together, on a path to stop this travesty by penalizing both pimps and johns. This will make room for the next step – setting up a system to help these young women and girls help through social service referrals and into safe places to heal and begin life anew.

Thank you for this opportunity to voice strong support for SB 265.

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<sup>1</sup> California Against Slavery (CAS) Research and Education. Fact Sheet: Foster Care and Human Trafficking, 2013. [http://www.casre.org/our\\_children/fcht/](http://www.casre.org/our_children/fcht/)

Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
Senate Committee on Judiciary and Labor

From: Anthony Chance, Ewa Beach, HI

Date: Friday, 20 February, 2015

Subject: Support for S.B. No. 265, Relating to Sex Trafficking

My name is Anthony Chance, I am a resident of the great State of Hawaii. I am residing in the West Loch subdivision in Ewa Beach. I am a concerned citizen with two daughters who wants to stop human slavery for purposes of sex. And to protect our minors from sexual predators. I strongly support S.B. No. 265, Relating to Sex Trafficking, replacing the term "promoting prostitution" with the term "sex trafficking". Includes under the offense of sex trafficking in the second degree paying or offering to pay a person for sexual conduct with reckless disregard of the fact that the person may be a victim of sex trafficking.

The average age of entry into prostitution is thirteen years with the earliest age being eight years old. Prostitution is a form of sex trafficking, and sex trafficking is considered the largest specific subcategory of transnational modern-day slavery. Sex trafficking would not exist without the demand for commercial sex flourishing around the world. Prostitution and related activities--including pimping and patronizing or maintaining brothels--encourage the growth of modern-day slavery by providing a facade behind which traffickers for sexual exploitation operate. Where prostitution is tolerated, there is a greater demand for human trafficking victims and nearly always an increase in the number of women and children trafficked into commercial sex slavery. To be pro-active Hawaii would need to have a few affairs in place. First and foremost education on sex trafficking for the public officials which includes legislators, judges, prosecutors, police officers, educators, and most health care professionals. Second, Hawaii would be to have state laws that rival the most aggressive states in addressing the sex trafficking issue. And finally third, educating the public. This is extremely important when it comes to selecting jurors. Jurors need to be able to recognize and identify the real victim of sex trafficking.

.Hawaii needs to be a place where all people regardless of race, age or gender can be free to live their lives without fear of being bought and sold into sexual slavery. I strongly urge the committee to pass S.B. No 265. Thank you for the opportunity to testify.

V/R

Anthony Chance

Christopher D. Yanuaria, MSW  
P.O. BOX 17732  
Honolulu, HI 96817

Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

COMMITTEE ON JUDICIARY AND LABOR

Thursday, February 20, 2015 9:00 AM

State Capitol, 415 South Beretania Street, Conference Room 016

**RE: SB 265 RELATING TO SEX TRAFFICKING**

Replaces the term "promoting prostitution" with the term "sex trafficking". Includes under the offense of sex trafficking in the second degree paying or offering to pay a person for sexual conduct with reckless disregard of the fact that the person may be a victim of sex trafficking. Requires a maximum fine of \$50,000 for sex trafficking in the first degree, and \$25,000 for sex trafficking in the second degree. Includes labor trafficking in the first and second degrees and sex trafficking in the first and second degrees in the list of violent crimes for which victims may be eligible for criminal injury compensation. Removes the statute of limitations for sex trafficking in the first and second degrees. Changes solicitation of a minor for prostitution from a class C to class B felony. Adds sex trafficking in the first and second degrees to the list of crimes for which an order to intercept wire, oral, or electronic communications is permitted. Amends the eligibility requirements for offenders of sex trafficking in the first and second degrees to be able to petition the court for termination of sex offender registration requirements.

Aloha Committee on Judiciary and Labor:

My name is Christopher D. Yanuaria, a social worker, resident of Hawai`i, and a human trafficking advocate with the local non-profit MADE IN HOPE. I am testifying in **STRONG SUPPORT OF SB265**.

Human trafficking is modern-day slavery that is widespread domestically and abroad, including here in Hawai`i. Human trafficking is the most appalling violation of human rights I can think of and it is an insult to the personal dignity of the victim. In 2010 I had the opportunity of working directly with survivors of human trafficking as a fellow with the Polaris Project, an organization that is a leader in the global fight to eradicate modern day slavery and restore freedom to survivors. The Polaris Project helped me to understand the array of services needed including health, social support, and legal in order to assist survivors in their process of recovery and reintegration into

society. Failure to provide these services increases the possibility of being re-trafficked, suffering from physical and psychological consequences, substance abuse and suicide.

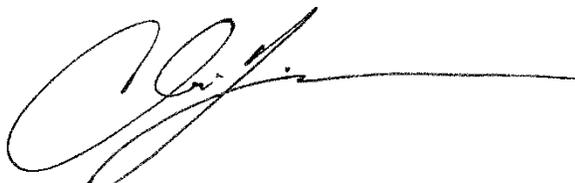
As a local social worker and human trafficking advocate for almost 7 years now, my desire is to help end human trafficking here in Hawai`i. The first step towards helping victims of human trafficking is to make sure that our laws are correctly identifying them. Our current prostitution statutes criminalize human trafficking victims by labeling them as “prostitutes.” These laws place both “john,” pimp, and prostitute in the same criminal category. Also, the social stigmatization of being labeled as a “prostitute” creates barriers for them being able to reintegrate back into society.

SB 265 fixes our currently flawed prostitution law by changing the term “promoting prostitution” with the term “sex trafficking.” Also, SB 265 increases the penalties for traffickers helping to deter them from committing this heinous crime.

In speaking with local agencies working with survivors there are a number of people being trafficked in our beloved state, including our local women and girls. Hawai`i needs to get caught up the rest of the nation and establish a sufficient anti sex trafficking law.

**I urge you to please SUPPORT SB 265.**

Mahala nui,

A handwritten signature in black ink, appearing to read 'Chris', with a long horizontal line extending to the right.

Christopher D. Yanuaria, MSW

Kalawai'a Goo

Honolulu, HI 96817

Representative Gilbert S.C. Keith-Agaran, Chair  
Representative Maile S.I. Shimabukuro, Vice Chair  
Committee Judiciary and Labor

Kalawai'a Goo, student at Myron B. Thompson School of Social Work, Veteran.

Wednesday, February 20, 2015

Support for S.B. 265, Relating to Sex Trafficking

I support S.B. 265 with amendments to define and separate people coerced into sex trafficking from promoters of sex trafficking.

As a veteran I know a bit about sick behavior. Sex traffickers are a special kind and degree of sick. I feel that this Bill as written is too lenient. Hawai'i needs strong anti-sex trafficking laws that reflect the severity of harm being done to children regardless of origin, laws that server as deterrents giving no concession to predators, and laws that send a loud unified voice that Hawai'i is absolutely intolerant of anyone who promotes and/or supports children being forced into sexual slavery.

As a veteran who has worked with other veterans, I know that recovery is a matter of degree and that no one has ever forgotten their service experience. Therefore, on page 3, I oppose SECTION 5 (a), which puts a six-year time limit, or time limit of any kind, for which a victim can make a claim against a person promoting sex trafficking by coercion. When a victim is ready to come forward and tell their story, they should be encouraged to do so at anytime.

Also on page 3, I oppose SECTION 7 (1) where the definition of a sexually assaulted minor is only fourteen years of age. I believe a minor should be anyone below the age of consent (18 years).

Kris Coffield, of the Imu Alliance, estimates that in Hawai'i, more than \$.6 billion dollars are paid to sex traffickers for services. On pages 4 and 5, SECTION 10 (1) (3) and SECTION 11 (1) (3) sets a fine limit of \$50,000 for sex trafficking in the first degree and \$25,000 for sex trafficking in the second degree. I oppose the \$25k - \$50k maximum limit. I support \$25k - \$50k being minimum limits. I support the fines being more proportionate to the profits made by the sex traffickers and reflective of the permanent life-altering trauma suffered by the

victims of coercion. When millions in profits are being made, \$50k seems more like a minor business expense, is not much of a deterrent, and sends the message that Hawai'i is lenient on sex trafficking.

I urge the committee to pass S.B. 265 with modifications to reflect the gravity of the horrific damage being done to Hawaii's children. Mahalo for the opportunity to testify.

I am writing to urge your support for Senate Bills 265, which strengthen Hawaii's ability to combat sex trafficking.

35 Years ago I was a victim of sex trafficking, my life would have been different if the laws protected me when I was 15 years old. Please change to laws to protect our children.

If I had been identified and received treatment, I may not have struggled for 20 years, with drug addiction , alcohol abuse, domestic violence and sexual exploitation. Please pass this bill to help renew the lives of those who have been sexually exploited in Hawaii.

Sincerely,

*Tamara Bitanga*

*Please pass SB 265.*

*This is so important to me and our state because Hawai'i is one of only two states without a comprehensive sex trafficking ban. The lack of a sex trafficking law prevents the proper identification of victims, who are otherwise prosecuted for prostitution and branded as criminals.*

*Additionally, this bill would penalize johns who solicit sex from trafficking victims as traffickers themselves. When we penalize johns who purchase sex from women and children, we reduce the financial cycle that keeps sex traffickers in business.*

*The average age of entrance into commercial sexual exploitation is 13 years old. For the sake of our keiki, we must make sure that sex traffickers are held fully accountable for their crimes, while giving victims the services they need to rebuild their lives and restore their futures.*

*Thank you for your service to our kids and our state!*

*Candice Acob*

February 19, 2015

Aloha,

My name is Brennan Takayama, and I am writing to ask for your support for SB265 relating to sex trafficking. Hawai'i remains one of two states left in the nation without a legal definition of "sex trafficking." A law of this sort would lead to a more victim-centered approach, allow for accurate statistics and studies, and early recognition of victims as victims.

As a Christian, abolitionist, and proud resident of Hawai'i, I believe it's time that we take a stand against sex trafficking in Hawai'i.

Thank you for your consideration. Please feel free to contact me with any thoughts or questions.

Sincerely,  
Brennan Takayama  
Hilo, HI 96720

Email: [btakayama@gmail.com](mailto:btakayama@gmail.com)

*I am in strong support of SB 265.*

*Being one of the most enlightened and forward-thinking states in the country, Hawai'i has long been an advocate and supporter of helping minorities or those in oppressed situations. However, in terms of this issue, is falling behind. Hawai'i is one of only two states without a comprehensive sex trafficking ban. The lack of a sex trafficking law prevents the proper identification of victims, who are otherwise prosecuted for prostitution and branded as criminals. Individuals who are trafficked need allies, not bullies.*

*In addition, this bill would rightfully penalize johns who solicit sex from trafficking victims as traffickers themselves. When we penalize johns who purchase sex from women and children, we reduce the financial cycle that keeps sex traffickers in business.*

*The average age of entrance into commercial sexual exploitation is 13 years old. This isn't only taking place in some far off, third world country. This is happening in our own communities, and it must end. For the sake of us all, and especially our keiki, we must make sure that sex traffickers are held fully accountable for their crimes, while giving victims the services they need to rebuild their lives and restore their futures.*

*Please pass SB 265.*

*Ruby Tidwell*

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** \*Submitted testimony for SB265 on Feb 20, 2015 09:00AM\*  
**Date:** Monday, February 16, 2015 12:11:55 PM

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**SB265**

Submitted on: 2/16/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

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**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** \*Submitted testimony for SB265 on Feb 20, 2015 09:00AM\*  
**Date:** Tuesday, February 17, 2015 4:27:08 AM

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**SB265**

Submitted on: 2/17/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Theresa Martin	Individual	Support	No

Comments:

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**Cc:**  
**Subject:** \*Submitted testimony for SB265 on Feb 20, 2015 09:00AM\*  
**Date:** Tuesday, February 17, 2015 8:22:35 AM

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**SB265**

Submitted on: 2/17/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
jill cullinan	Individual	Support	No

Comments:

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**From:** [Mandy L. Chang](#)  
**To:** [JDLTestimony](#)  
**Cc:** [LABtestimony](#); [JUDtestimony](#)  
**Subject:** Testimony is strong support of SB265:  
**Date:** Tuesday, February 17, 2015 8:23:09 AM

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February 17, 2015

COMMITTEE ON JUDICIARY AND LABOR  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

NOTICE OF HEARING

DATE: Friday, February 20, 2015  
TIME: 9:00 am  
PLACE: Conference Room 016  
State Capitol  
415 South Beretania Street

TESTIMONY IN STRONG SUPPORT OF SB265

Dear Committee on Judiciary and Labor:

I strongly support SB265 RELATING TO SEX TRAFFICKING. Hawaii remains one of two states left in the nation without a legal definition of "sex trafficking." A law of this sort would lead to a more victim-centered approach, allow for accurate statistics and studies, and early recognition of victims as victims. I urge our great state to pass such laws to protect our citizens from this kind of predatory crime.

Hawaii has had virtually no serious penalties or methods of public accountability for patrons of sex trafficking, this enables them to worsen in their deviant behavior against women, men, and children. The victims often do not have the ability to speak out due to fear of retaliation and societal prejudices, and are under duress to show compliance. This is why I urge you to pass SB265 so that our beautiful state will have the legal grounds needed to ensure protection for victims and potential victims as well as consequences for those that would endanger fellow citizens in sexual slavery.

Pacific Alliance To Stop Slavery (PASS) is one of Hawaii's few services that helps heal survivors of human trafficking. PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of 7000+ persons. PASS testifies that there are no specific services designed for the survivors of this crime. As a result, survivors fall through the cracks or are often re-victimized and criminalized as either "prostitutes" if they are sex trafficked victims, or "illegal immigrants" if they are labor trafficked victims. Hawaii needs to accurately and effectively address the handling of human trafficking survivors.

Sincerely,  
*Amanda Layne Yesensky Chang of Mililani, Hawaii*

February 18, 2015

To: Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice-Chair  
Senate Committee on Judiciary and Labor

From: Michelle Rocca

RE: **SB 265 –SUPPORT**

PLACE: Conference Room 016

DATE and TIME: Friday, February 20, 2015, 9:00am

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Thank you for your favorable action in the support of SB 265 as a measure to address the problem of human, labor, and sex trafficking in the state of Hawaii. Currently in Hawaii there are an estimated 1,500-2,500 unique victims each year of sex trafficking according to IMUA Alliance. The Pacific alliance to Stop Slavery estimates that 20 to 25 children are trafficked monthly in Hawaii and more than 100 monthly remain at risk. SB 265 provides amendments to the various Hawaii Revised Statutes that can strengthen and encourage the criminal justice, institutional, and systematic changes needed to ensure victim safety and promote offender accountability. A working definition that replaces the term “promoting prostitution,” to “sex trafficking” promotes accountable language and is a necessary starting point for meaningful change to occur in the how the state of Hawaii will consistently respond to perpetrators and victims of human and sexual trafficking.

This bill would also allow for the solicitation of a minor for prostitution to increase from a Class C to a Class B felony, an action I believe is imperative to hold offenders accountable of this heinous act. The addition of sex trafficking in the first and second degrees to the list of crimes for which an order to intercept wire, oral, or electronic communications to be permitted will likely improve the capacity the criminal justice system has to effectively investigate cases of sex trafficking.

Thank you for your time and consideration of these necessary improvements to promote offender accountability and victim safety for the people of Hawaii who have experienced trafficking and are vulnerable to trafficking. It is imperative that we continue to work together to improve our response to this growing problem.

Sincerely,

Michelle Rocca

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for SB265 on Feb 20, 2015 09:00AM  
**Date:** Friday, February 13, 2015 10:33:12 PM

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**SB265**

Submitted on: 2/13/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carly Presher	Individual	Support	No

Comments: This bill is extremely important to decriminalize women who are victims/survivors of sex trafficking. No person ever prostitutes themselves, but instead are prostituted for services. If we take away derogatory language, we are one step closer to a better world. These women deserve a chance at a new life, not a patronizing trip to the slammer. Sex trafficking needs to be penalized to the highest degree because we are talking about the well-being of people's lives.

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I urge you to pass SB265 and vote to strengthen laws against pimps and johns who sell and buy women and young girls for commercial sex. Hawaii is one of only two states without a sex-trafficking law and this needs to change during the 2015 legislative session.

Sex trafficking is a form of modern slavery and is a problem that occurs across America and in the Hawaiian Islands every single day. Victims of trafficking essentially lose all of their personal freedoms while being forced into commercial sex against their will by individuals who use violence, illegal substances, deceit, debt bondage, and other forms of emotional abuse and trauma to control them.

In Hawaii, there are an estimated 1,500 to 2,500 unique victims each year of sex trafficking, 850 of whom are working on any given day, according to local advocacy organizations. Further, some estimates show that 20 to 25 children are trafficked monthly in Hawaii and more than 100 monthly are at risk of being trafficked. However, because of the nature of this problem and Hawaii's lax laws, these numbers could be much higher because cases are not being sufficiently tracked.

Thank you for your support of this bill to help protect women and girls in our communities.

Erica Yamauchi  
Honolulu

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**Subject:** Submitted testimony for SB265 on Feb 20, 2015 09:00AM  
**Date:** Saturday, February 14, 2015 7:48:12 AM

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**SB265**

Submitted on: 2/14/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaleo Schneider	Individual	Support	No

Comments: I am in STRONG SUPPORT of SB265. Hawaii has waited to be the last of two states in the US without a SEX TRAFFICKING law on the books. This definition is needed to replace the out dated prostitution and promoting prostitution language. We need to move our laws in the direction the rest of the United States is moving towards. I urge you to support this bill as well. Mahalo Kaleo Schneider

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**Subject:** Submitted testimony for SB265 on Feb 20, 2015 09:00AM  
**Date:** Saturday, February 14, 2015 1:40:58 PM

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**SB265**

Submitted on: 2/14/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carmen Golay	Individual	Support	No

Comments: I strongly support this measure to create a definition for sex trafficking victims. A law of this sort would lead to a more victim-centered approach, allow for accurate statistics and studies, and early recognition of victims as victims. Thank you.

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**Subject:** Submitted testimony for SB265 on Feb 20, 2015 09:00AM  
**Date:** Saturday, February 14, 2015 6:45:09 PM

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**SB265**

Submitted on: 2/14/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James Vigorito	Individual	Support	No

Comments: I strongly support SB 265 which updates the language of sex trafficking and brings Hawaii in step with the progress made in 48 other states. Thank you for supporting this measure.

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I am in support of Senate Bill 265 because I believe that it will be effective in bringing attention to the reality of sex trafficking in Hawaii. A simple change in terminology will open the eyes of johns to the fact that their offense is not only a lewd, but also a criminal act. Soliciting prostitutes degrades women but also perpetuates the industry and propagates the sex trafficking trade that is a huge problem for our islands. I humbly ask that you consider passing this legislation in order to raise awareness of the reality of sex trafficking in Hawaii and to better prosecute those whose inappropriate behavior promotes and supports its continuation. Thank you! Nadia Busekrus

Aloha I would like to express my support for SB 265. I believe change is possible, but we need to establish a law first. I believe that it is critical to establish a sex trafficking law in the state of Hawaii. If I am not mistaken, we are 1 of only 2 states in this great nation that does not currently have a sex trafficking law. **IT IS AN EMBARRASSMENT AND WE NEED TO STEP UP AND PROTECT OUR MANY VICTIMS.** Change is possible. We can protect these women who are the true victims in these crimes. But we must establish a foundation first. This is the first step towards building the foundation.

Thank you very much. I hope we can all open our hearts and minds to a better Hawaii

Respectfully,

Diana Ruiz

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**To:** [JDLTestimony](#)  
**Cc:**  
**Subject:** Submitted testimony for SB265 on Feb 20, 2015 09:00AM  
**Date:** Sunday, February 15, 2015 8:03:59 AM

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**SB265**

Submitted on: 2/15/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jan Cook	Individual	Support	Yes

Comments: I am in STRONG SUPPORT of SB265. Hawaii has waited to be the last of two states in the US without a SEX TRAFFICKING law on the books. This definition is needed to replace the out dated prostitution and promoting prostitution language. We need to move our laws in the direction the rest of the United States is moving towards. I urge you to support this bill as well

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**Subject:** Submitted testimony for SB265 on Feb 20, 2015 09:00AM  
**Date:** Tuesday, February 17, 2015 3:55:52 PM

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**SB265**

Submitted on: 2/17/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl	Individual	Support	No

Comments: It is important that we stop sex trafficking on our islands.

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Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
Committee on Judiciary and Labor

Clarence B. Vierra Jr.  
Ho'ōla Nā Pua

Friday, February 20, 2015

Support for SB 265, Relating to Sex Trafficking

Aloha, my name is Clarence B. Vierra Jr., I am a volunteer director with Ho'ōla Nā Pua, which is a non-profit 501c3 advocacy organization for under aged sex trafficking victims here in Hawaii. I am also a student in the Myron B. Thompson School of Social Work at the University of Hawaii Mānoa. I am submitting my written testimony in support of Senate Bill 265. I am testifying in support of SB 265 because the State of Hawaii does not have any laws or policies clearly defining the issue of sex trafficking under aged girls and boys in the state of Hawaii.

There are countless reasons why I urge you to support this bill, one of those reasons is Hawaii is 1 of 2 states in our country that does not have a law that clearly defines "Sex Trafficking" as reported by Shared Hope International. Current Hawaii laws define this issue as promoting prostitution, which does not define or describe the seriousness of the issue that is taking place against the victims. Sex Trafficking is the fastest growing illegal business activity in the world and comes in 2<sup>nd</sup> to the trafficking of drugs. Changing the term to Sex Trafficking allows for stiffer penalties and fines to be assessed against those who are participating in this illegal activity.

The state of Hawaii has a very high rate of run away youth each month. The Office of the State Attorney General reports approximately 200-300 adolescents are reported as runaways monthly. Runaways are easy targets for traffickers and predators who roam the streets, parks and malls looking for minors. They are very skilled and know what type of minor to approach and that they can manipulate, coerce, and in some cases abduct. If you are not familiar the average age of under aged girls being trafficked in Hawaii is 13 years of age.

In closing, I urge you to please pass SB265, words can not express how big an impact this bill will make in the lives of hundreds of minor girls and boys in our State. Passing this measure would be a positive start for our state in taking a proactive approach in addressing the issue of Domestic Minor Sex Trafficking. Hawaii can no longer allow the manipulation and violent acts of sexual abuse against defenseless young boys and girls of Hawai'i to continue. Thank you for your time and opportunity in allowing me to testify in support of Senate Bill 265.

Mahalo,

Clarence B Vierra Jr.

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**Cc:**  
**Subject:** \*Submitted testimony for SB265 on Feb 20, 2015 09:00AM\*  
**Date:** Tuesday, February 17, 2015 9:04:00 AM

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**SB265**

Submitted on: 2/17/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kelley Lum Oshiro	Individual	Support	Yes

Comments:

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**Date:** Tuesday, February 17, 2015 8:25:07 AM

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**SB265**

Submitted on: 2/17/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Golojuch	Individual	Support	No

Comments:

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**Date:** Tuesday, February 17, 2015 5:23:44 PM

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**SB265**

Submitted on: 2/17/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
heather lafi	Individual	Support	No

Comments: I support SB265

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**SB265**

Submitted on: 2/17/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ellyn Sollars	Individual	Support	No

Comments: Please pass SB 265. Hawai'i is one of only two states without a comprehensive sex trafficking ban. The lack of a sex trafficking law prevents the proper identification of victims, who are otherwise prosecuted for prostitution and branded as criminals. Additionally, this bill would penalize johns who solicit sex from trafficking victims as traffickers themselves. When we penalize johns who purchase sex from women and children, we reduce the financial cycle that keeps sex traffickers in business. The average age of entrance into commercial sexual exploitation is 13 years old. For the sake of our keiki, we must make sure that sex traffickers are held fully accountable for their crimes, while giving victims the services they need to rebuild their lives and restore their futures.

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**Date:** Tuesday, February 17, 2015 5:45:13 PM

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**SB265**

Submitted on: 2/17/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kimberly Carson	Individual	Support	No

Comments: Please pass SB 265. Hawai'i is one of only two states without a comprehensive sex trafficking ban. The lack of a sex trafficking law prevents the proper identification of victims, who are otherwise prosecuted for prostitution and branded as criminals. Additionally, this bill would penalize johns who solicit sex from trafficking victims as traffickers themselves. When we penalize johns who purchase sex from women and children, we reduce the financial cycle that keeps sex traffickers in business. The average age of entrance into commercial sexual exploitation is 13 years old. For the sake of our keiki, we must make sure that sex traffickers are held fully accountable for their crimes, while giving victims the services they need to rebuild their lives and restore their futures.

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**From:** [Kayla Low](#)  
**To:** [JDLTestimony](#)  
**Subject:** TESTIMONY IN STRONG SUPPORT OF SB265  
**Date:** Tuesday, February 17, 2015 5:50:13 PM

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February 17, 2015

COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

TESTIMONY IN STRONG SUPPORT OF SB265

Dear Committee on Judiciary and Labor:

I strongly support SB265 RELATING TO SEX TRAFFICKING. Hawaii remains one of two states left in the nation without a legal definition of "sex trafficking." A law of this sort would lead to a more victim-centered approach, allow for accurate statistics and studies, and early recognition of victims as victims. I urge our great state to pass such laws to protect our citizens from this kind of predatory crime.

Hawaii has had virtually no serious penalties or methods of public accountability for patrons of sex trafficking, this enables them to worsen in their deviant behavior against women, men, and children. The victims often do not have the ability to speak out due to fear of retaliation and societal prejudices, and are under duress to show compliance. This is why I urge you to pass SB265 so that our beautiful state will have the legal grounds needed to ensure protection for victims and potential victims as well as consequences for those that would endanger fellow citizens in sexual slavery.

Pacific Alliance To Stop Slavery (PASS) is one of Hawaii's few services that helps heal survivors of human trafficking. PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of 7000+ persons. PASS testifies that there are no specific services designed for the survivors of this crime. As a result, survivors fall through the cracks or are often re-victimized and criminalized as either "prostitutes" if they are sex trafficked victims, or "illegal immigrants" if they are labor trafficked victims. Hawaii needs to accurately and effectively address the handling of human trafficking survivors.

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**SB265**

Submitted on: 2/17/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lily Coletta	Individual	Support	No

Comments:

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**From:** [Jamie Low](#)  
**To:** [JDLTestimony](#)  
**Subject:** SB265  
**Date:** Tuesday, February 17, 2015 7:22:29 PM

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February 17, 2015

Respectfully to:  
COMMITTEE ON JUDICIARY AND LABOR  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair

#### TESTIMONY IN STRONG SUPPORT OF SB265

Dear Committee on Judiciary and Labor:

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Hawaii has had virtually no serious penalties or methods of public accountability for patrons of sex trafficking, this enables them to worsen in their deviant behavior against women, men, and children. The victims often do not have the ability to speak out due to fear of retaliation and societal prejudices, and are under duress to show compliance. This is why I urge you to pass SB265 so that our beautiful state will have the legal grounds needed to ensure protection for victims and potential victims as well as consequences for those that would endanger fellow citizens in sexual slavery. Pacific Alliance To Stop Slavery (PASS) is one of Hawaii's few services that helps heal survivors of human trafficking. PASS serves victims of Human Trafficking for sex or labor in the state of Hawaii and has a support base of 7000+ persons. PASS testifies that there are no specific services designed for the survivors of this crime. As a result, survivors fall through the cracks or are often re-victimized and criminalized as either "prostitutes" if they are sex trafficked victims, or "illegal immigrants" if they are labor trafficked victims. Hawaii needs to accurately and effectively address the handling of human trafficking survivors.

Sincerely,  
Jamie Low

#### NOTICE OF HEARING

DATE: Friday, February 20, 2015

TIME: 9:00 am

PLACE: Conference Room 016

State Capitol

415 South Beretania Street

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**SB265**

Submitted on: 2/17/2015

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<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elisabeth Kurashige	Individual	Support	No

Comments:

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**SB265**

Submitted on: 2/17/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Deborah Quigley	Individual	Support	No

Comments:

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**SB265**

Submitted on: 2/17/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ross Kuge	Individual	Support	No

Comments:

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**SB265**

Submitted on: 2/17/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melani Noble	Individual	Support	No

Comments: I am a supporter of bill SB265. Sex trafficking is a serious problem for our state...our community. Especially for our children. There are so many children that fall through the system in one way or another. Sometimes the only choice they have is to be on the streets. They are desperate and vulnerable. These children do not need to be treated as criminals but as human beings that deserve the right to get help and therapy. They need a voice to fight for their rights to be safe and off the streets.

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**SB265**

Submitted on: 2/18/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Elden K Kaeo	Individual	Support	No

Comments:

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**Date:** Wednesday, February 18, 2015 8:59:25 AM

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**SB265**

Submitted on: 2/18/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Radine Fabro	Individual	Support	No

Comments: I support SB 265. Please pass SB 265. Hawai'i is one of only two states without a comprehensive sex trafficking ban. The lack of a sex trafficking law prevents the proper identification of victims, who are otherwise prosecuted for prostitution and branded as criminals. Additionally, this bill would penalize johns who solicit sex from trafficking victims as traffickers themselves. When we penalize johns who purchase sex from women and children, we reduce the financial cycle that keeps sex traffickers in business. The average age of entrance into commercial sexual exploitation is 13 years old. For the sake of our keiki, we must make sure that sex traffickers are held fully accountable for their crimes, while giving victims the services they need to rebuild their lives and restore their futures.

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**SB265**

Submitted on: 2/18/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
leslie drechsler	Individual	Support	No

Comments: Please pass SB 265: RELATING TO SEX TRAFFICKING. The lack of a sex trafficking law prevents the proper identification of potential victims, which means they can (and often are) prosecuted as criminals when they should really be provided services to help them reintegrate into our community.

Penalizing and increasing fines on buyers who solicit sex will also curb the "revenue" that keeps sex traffickers in business.

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**SB265**

Submitted on: 2/18/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Poulos	Individual	Support	No

Comments: Senators, Thank you for the opportunity to express my support of SB 265. Human trafficking is a horrendous crime that must be dealt with swiftly and severely. SB 265 will justly increase the penalty of this horrible crime and hopefully deter others from inflicting such pain upon our keiki and women. Please pass SB 265. Mahalo, Lisa Poulos

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**SB265**

Submitted on: 2/19/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kimo	Individual	Support	No

Comments: I support SB 265!!!

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TO: Senator Gilbert Keith-Agaran, Chair  
Senator Maile Shimabukuro., Vice Chair  
Committee on Judiciary and Labor

HEARING: Friday, February 20, 2015  
9:00 AM  
Conference Room 016

FROM: Mary Chiyomi Chow

RE: SB 265 Relating to Sex Trafficking

Thank you for the opportunity to testify. I am in support of SB 265.

I had heard about sex trafficking in one of my graduate school classes, but the massiveness of the problem did not become reality until it became personal. In the last year, my daughter has been approached by two different men on two different occasions in Mililani asking her if she wanted to “hang out” with them. Fortunately, although she did have to run to safety after being followed, no harm was done. However, that’s not the case for many other youth and young adults.

Sex trafficking is a major problem in Hawaii, and it cannot be ignored. Society unfortunately has changed, and our laws and social policies need to be updated to reflect that change. Therefore, I urge you to pass SB 265.

Thank you for this opportunity to voice strong support for SB 265.

Sincerely,  
Mary Chiyomi Chow

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**Date:** Wednesday, February 18, 2015 2:47:03 PM

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**SB265**

Submitted on: 2/18/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kari Benes	Individual	Support	No

Comments:

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Sharon Coburn

Pearl City, HI 96782

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This is a much needed bill that shifts criminal focus away from the person who is often the victim, and onto those who procure sexual services, and for those willing to pay for those services. I would actually like to see the fines chargeable for all such people and/or organizations, regardless of whether or not trafficking is involved!

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**SB265**

Submitted on: 2/18/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marsha Mochizuki	Individual	Support	No

Comments: I strongly urge you to support SB265. I was shocked to learn that Hawaii remains one of two states left in the nation without a legal definition of "sex trafficking". A law of this sort would shift criminal focus away from those who are often the victim, allow for accurate statistics and studies, and provide for the early recognition of victims as victims. Again, please support SB265.

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**SB265**

Submitted on: 2/18/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Matthew	Individual	Support	No

Comments: Hawai'i is one of only two states without a comprehensive sex trafficking ban. The lack of a sex trafficking law prevents the proper identification of victims, who are otherwise prosecuted for prostitution and branded as criminals. Additionally, this bill would penalize johns who solicit sex from trafficking victims as traffickers themselves. When we penalize johns who purchase sex from women and children, we reduce the financial cycle that keeps sex traffickers in business. The average age of entrance into commercial sexual exploitation is 13 years old. For the sake of our keiki, we must make sure that sex traffickers are held fully accountable for their crimes, while giving victims the services they need to rebuild their lives and restore their futures.

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**SB265**

Submitted on: 2/18/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Aine Nakasone Hintz	Individual	Support	No

Comments: Please pass SB 265. Hawai'i is one of only two states without a comprehensive sex trafficking ban. The lack of a sex trafficking law prevents the proper identification of victims, who are otherwise prosecuted for prostitution and branded as criminals. Additionally, this bill would penalize johns who solicit sex from trafficking victims as traffickers themselves. When we penalize johns who purchase sex from women and children, we reduce the financial cycle that keeps sex traffickers in business. The average age of entrance into commercial sexual exploitation is 13 years old. For the sake of our keiki, we must make sure that sex traffickers are held fully accountable for their crimes, while giving victims the services they need to rebuild their lives and restore their futures.

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**SB265**

Submitted on: 2/19/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Terrina Wong		Support	No

Comments:

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**SB265**

Submitted on: 2/19/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Serena Lozano	Individual	Support	Yes

Comments: Please pass SB 265. Hawai'i is one of only two states without a comprehensive sex trafficking ban. The lack of a sex trafficking law prevents the proper identification of victims, who are otherwise prosecuted for prostitution and branded as criminals. Additionally, this bill would penalize johns who solicit sex from trafficking victims as traffickers themselves. When we penalize johns who purchase sex from women and children, we reduce the financial cycle that keeps sex traffickers in business. The average age of entrance into commercial sexual exploitation is 13 years old. For the sake of our keiki, we must make sure that sex traffickers are held fully accountable for their crimes, while giving victims the services they need to rebuild their lives and restore their futures.

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**SB265**

Submitted on: 2/18/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Willa Loa	Individual	Support	No

Comments:

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**SB265**

Submitted on: 2/18/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Terri Yoshinaga	Individual	Support	No

Comments: Please pass this much needed bill. What is taking so long for Hawaii to be line with the other states on this issue? I am on the streets ministering to these women and girls and they need us to stand up for them. Mahalo, I know you will do the right and just thing. May God bless you, Hawaii, and America.

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**SB265**

Submitted on: 2/18/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alessia Owen	Individual	Comments Only	No

Comments: I'm very passionate about putting a stop to this. Hawaii is about ALOHA, and this is very far from it.

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**SB265**

Submitted on: 2/18/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
NJ	Junior League of Honolulu member	Support	No

Comments:

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**SB265**

Submitted on: 2/18/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chelsea Crapser	Individual	Support	No

Comments: I support SB 265.

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**SB265**

Submitted on: 2/18/2015

Testimony for JDL on Feb 20, 2015 09:00AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jerrell Davis	Individual	Support	Yes

Comments:

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