



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

ON THE FOLLOWING MEASURE:

S.B. NO. 2846, RELATING TO SEX TRAFFICKING.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Monday, February 10, 2020 **TIME:** 2:45 p.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Clare E. Connors, Attorney General, or
Lance Goto, Deputy Attorney General

Chair Ruderman and Members of the Committee:

The Department of the Attorney General (Department) supports this bill, which is part of the Administration package for 2020.

The purpose of this bill is to remove the statute of limitations for sex trafficking offenses by amending section 701-108(1), Hawaii Revised Statutes (HRS), to add the offense of sex trafficking to the list of offenses for which prosecution may be commenced at any time.

Section 712-1202(1), HRS, defines the offense of sex trafficking as follows:

- (1) A person commits the offense of sex trafficking if the person knowingly:
 - (a) Advances prostitution by compelling or inducing a person by force, threat, fraud, or intimidation to engage in prostitution, or profits from such conduct by another; or
 - (b) Advances or profits from prostitution of a minor; provided that with respect to the victim's age, the prosecution shall be required to prove only that the person committing the offense acted negligently.

As a class A felony offense, the offense must be prosecuted within six years after it is committed. This statute of limitations applies, even when the sex trafficking involves a minor child or a person subjected to threats, intimidation, or other efforts to control or restrict the victim's behavior.

While the egregious offense of sex trafficking is subject to a six-year statute of limitations, other offenses are not restricted by such time limitations and may be prosecuted at any time. Section 701-108(1), HRS, provides:

A prosecution for murder, murder in the first and second degrees, attempted murder, and attempted murder in the first and second degrees, criminal conspiracy to commit murder in any degree, criminal solicitation to commit murder in any degree, sexual assault in the first and second degrees, and continuous sexual assault of a minor under the age of fourteen years may be commenced at any time.

There is no statute of limitations for sexual assault of a minor, but sex trafficking of a minor cannot be prosecuted after six years. And there is no statute of limitations for sexual assault of an adult by strong compulsion, but sex trafficking of an adult by forcing the person to engage in prostitution cannot be prosecuted after six years. This inconsistency in the law needs to be corrected.

The federal trafficking law, 18 U.S.C. § 1591, which criminalizes sex trafficking by force, fraud, coercion, or the sex trafficking of a minor, does not have a statute of limitation. See 18 U.S.C. § 3299.

Twenty-two states do not have a statute of limitations for sex trafficking or human trafficking of a minor.

The Office for Victims of Crime, Training and Technical Assistance Center, part of the U.S. Department of Justice, prepared a Human Trafficking Resource Paper that describes human trafficking as follows:

Human trafficking, modern-day slavery, is a crime against the world's most vulnerable individuals. Traffickers may abduct, deceive, use, and sell men, women, and children for profit or personal gain. Victims are treated as commodities who often endure physical and/or sexual brutality, exploitation, and mental and emotional abuse. As a result of this trauma, victims may experience multiple, long-lasting consequences.

This bill focuses on sex trafficking, where a person is induced to engage in prostitution through force, fraud, or coercion or a minor is subjected to prostitution. Sex trafficking victims are both U.S. citizens and foreign nationals. Sex trafficking has no

geographic boundaries or demographic restrictions. The Human Trafficking Resource Paper notes:

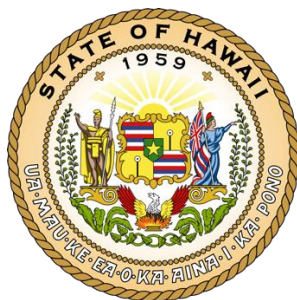
In many cases trafficking victims are exploited by people known to them – neighbors, distant relatives, boyfriends, lovers, or fiancés – who build on trusting relationships in order to gain control of the victim. Labor and sex trafficking victims are often told that if they try to escape, their families will be harmed. The traffickers instill fear in victims with threats of deportation, law enforcement harm, personal exposure, and other punishments.

Sex trafficking victims who are from foreign countries must also deal with language barriers and cultural differences. Often such victims have a distrust of authority and law enforcement.

For all of these reasons, many sex trafficking victims, whether adults or children, do not identify themselves as victims or are unable to disclose the victimization until much later, when they have been removed from the life of the trafficker, and have received extensive counseling or other trauma services.

By eliminating the statute of limitations for sex trafficking, this measure recognizes the numerous issues faced by sex trafficking victims and provides the time it takes for them to work through those issues, to understand their victimization, and develop the strength and courage to report the trafficking. Additionally, it recognizes that human sexual slavery is a heinous crime that exploits the most vulnerable people in the U.S. and abroad.

The Department respectfully requests that this measure be passed.



Testimony on behalf of the
Hawai'i State Commission on the Status of Women
Khara Jabola-Carolus, Executive Director

Ke Kōmike Ho'okolokolo

In Support of SB2846

Monday, February 10, 2019, at 2:45 p.m. in Room 016

Aloha e Luna Ho'omalua/Chair Ruderman a Hope Luna Ho'omalua/Vice Chair Rhoads,

The Hawai'i State Commission on the Status of Women writes in support of SB2846, which removes the statute of limitations for sex trafficking offenses.

Sex trafficking victims face significant barriers to disclosing their victimization to legal authorities and in seeking support. Most trafficking victims are unable to disclose or prove there are trafficking victims due to fear of retaliation from a trafficker or buyer, physical harm inflicted by the trafficker, economic dependency upon the trafficker, family connections with their trafficker (parents, uncle, brother), emotional manipulation, trafficker-controlled finances or legal documents, language barriers, fear of police, unawareness of their legal status as a "victim," and stigma. The Hawai'i State Commission on the Status of recently released surveyed 97 sex trafficking victims across Hawai'i and found that 25.8% were trafficked by a family member.¹

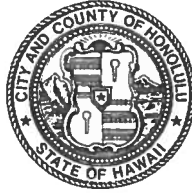
Accordingly, the Commission requests that the Committee pass SB2846.

Sincerely,
Khara Jabola-Carolus

¹ Jabola-Carolus, K. & Roe-Sepowitz, D., *Sex Trafficking Experiences Across Hawaii*, Department of Human Services, Feb. 8, 2020.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

SUSAN BALLARD
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CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE PJ-LS

February 10, 2020

The Honorable Russell E. Ruderman, Chair
and Members
Committee on Human Services
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Ruderman and Members:

SUBJECT: Senate Bill No. 2846, Relating to Sex Trafficking

I am Acting Major Phillip Johnson of the Narcotics/Vice Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2846, Relating to Sex Trafficking.

Many victims of sex trafficking are subjected to severe mental abuse. They are not aware of the extent of their victimization until years later, and only with counseling and maturity are they able to address the trauma of their abuse. Removing the statutes of limitation for offenders of sex trafficking and promoting prostitution will increase the likelihood of holding predators of these offenses accountable for their actions. As one of our most vulnerable populations, children must be afforded the highest level of protection.

The HPD urges you to support Senate Bill No. 2846, Relating to Sex Trafficking and thanks you for the opportunity to testify.

APPROVED:

A handwritten signature in cursive script that reads "Susan Ballard".

Susan Ballard
Chief of Police

Sincerely,

A handwritten signature in cursive script that reads "Phillip Johnson".
Phillip Johnson, Acting Major
Narcotics/Vice Division



SB 2846, RELATING TO SEX TRAFFICKING

FEBRUARY 10, 2020 · SENATE HUMAN SERVICES
COMMITTEE · CHAIR RUSSELL E. RUDERMAN

POSITION: Support.

RATIONALE: IMUAlliance supports SB 2846, relating to sex trafficking, which removes the statute of limitations for sex trafficking offenses.

IMUAlliance is one of the state's largest victim service providers for survivors of sex trafficking. Over the past 10 years, we have provided comprehensive direct intervention (victim rescue) services to 150 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation. Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily trauma bonded to her pimp that while under his grasp, she couldn't remember her own name. Yet, sadly, many of the victims with whom we work are misidentified as so-called "voluntary prostitutes" and are subsequently arrested and incarcerated, with no financial resources from which to pay for their release.

Sex trafficking is a profoundly violent crime. The average age of entry into commercial sexual exploitation in Hawai'i may be as low as 14-years-old, with 60 percent of trafficked children being under the age of 16. Based on regular outreach and monitoring, we estimate that approximately

150 high-risk sex trafficking establishments operate in Hawai'i. In a recent report conducted by the State Commission on the Status of Women, researchers from Arizona State University found that 1 in every 11 adult males living in our state buys sex online. When visitors are also counted, that number worsens to 1 in every 7 men walking the streets of our island home and a daily online sex buyer market of 18,614 for O'ahu and a total sex buyer population for the island of 74,362, including both tourists and residents.

ASU's findings are grim, but not surprising to local organizations that provide services to survivors of sex trafficking. IMUAlliance, for example, has trained volunteers to perform outreach to victims in high-risk locations, like strip clubs, massage parlors, and hostess bars. More than 80 percent of runaway youth report being approached for sexual exploitation while on the run, over 30 percent of whom are targeted within the first 48 hours of leaving home. With regard to mental health, sex trafficking victims are twice as likely to suffer from PTSD as a soldier in a war zone. Greater than 80 percent of victims report being repeatedly raped and 95 percent report being physically assaulted, numbers that are underreported, according to the United States Department of State and numerous trauma specialists, because of the inability of many victims to recognize sexual violence. As one underage survivor told IMUAlliance prior to being rescued, "I can't be raped. Only good girls can be raped. I'm a bad girl. If I *want* to be raped, I have to *earn* it."

Accordingly, we support measures to advance our state's ability to crack down on sexual slavery, including this measure's authorization of a prosecution for sex trafficking to be commenced at any time. As indicated above, sex trafficking victims are typically trauma bonded to their abusers. **Trauma-attached coercion is like Stockholm Syndrome, involving a powerful emotional dependency on the abusers and a shift in world- and self-view that results in feelings of gratitude and loyalty toward the abusers and a denial, dismissal, or minimization of the coercion, violence, and exploitation that victims have suffered.** Trauma-attached victims require placement in a coordinated continuum of care to "break" their trauma bonds, receive rehabilitative services, and reintegrate into society in a healthy manner. It is common for victims to need long-term care before recognizing the extent of the trauma they've suffered, much less feel emotionally and physically secure enough to participate in criminal investigations. Thus, to fully respect the needs of survivors and ensure that all victims of sexual exploitation may receive justice, we believe that the statute of limitations on sex trafficking cases should be eliminated.

SB-2846

Submitted on: 2/8/2020 1:41:21 PM

Testimony for HMS on 2/10/2020 2:45:00 PM

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

Comments:

STRONG SUPPORT!!!

SB-2846

Submitted on: 2/10/2020 2:09:44 AM

Testimony for HMS on 2/10/2020 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Porsha Arnold	Individual	Support	No

Comments:

Date of hearing: 2/10/2020
HMS

Bill #: SB2846

Committee:

Dear Committee Members:

I am writing in strong support of SB2846. This bill proposes to remove the statute of limitations for sex trafficking offenses.

Sex trafficking involves recruitment, harboring or transporting of people into situations of exploitation using violence, deception or coercion and are forced to commit sexual acts against their will. According to FBI.gov, human trafficking is believed to be the third-largest criminal activity in the world. Human trafficking continues to increase in the Unites States while convictions of traffickers remain inconsistent.

Some of our most vulnerable populations are the ones being targeted, including our women and children with adverse experiences such as abuse and homelessness. To have a law that places a statute of limitation on a crime that is so heinous does a disservice to the victims as well as their families and communities.

The cost of human trafficking to victims is significant and often lifelong. I am in support of a law that reflects and validates the intrinsic worth of sex trafficking victims. Therefore, I am in support of removing the statute of limitations for sex trafficking offenses.

Respectfully,

Porsha Arnold