



**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-FIRST LEGISLATURE, 2021**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 175, RELATING TO SEX TRAFFICKING.

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

**DATE:** Friday, February 26, 2021 **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325, Via Videoconference

**TESTIFIER(S):** **WRITTEN TESTIMONY ONLY.**  
(For more information, contact Farshad M Talebi,  
Deputy Attorney General, at 808-586-1173)

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Chair Nakashima and Members of the Committee:

The Department of the Attorney General (Department) supports this bill.

The purpose of this bill is to add "coercion" as a means of committing the offense of sex trafficking under section 712-1202, Hawaii Revised Statutes.

Federal law, and most state jurisdictions, recognize coercion as a means of committing the offense of sex trafficking. Adding coercion to our criminal statute reflects the reality of the criminal enterprise of sex trafficking, and it will allow law enforcement and prosecutors to better protect victims and hold offenders accountable.

We respectfully ask this Committee to pass this bill.

STATE OF HAWAI‘I  
**OFFICE OF THE PUBLIC DEFENDER**

**Testimony of the Office of the Public Defender,  
State of Hawai‘i to the House Committee on  
Judiciary and Hawaiian Affairs**

February 26, 2021

H.B. No. 175: RELATING TO SEX TRAFFICKING

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The Office of the Public Defender respectfully opposes H.B. No. 175.

This measure seeks to amend HRS § 712-1202 to include “coercion” as a means of committing sex trafficking. The inclusion of the term “coercion” is simply unnecessary. Pursuant to the measure, “coercion” is to be defined as “threats of serious harm to or physical restraint against any person.” (*See* H.B. No. 175, page 1, lines 16-17). A plain reading of the current statute, however, includes that a person commits the offense if he/she uses “force” or “threats” or “intimidation.” “Force,” “threats,” and “intimidation” are simply synonymous with “coercion” as defined in the measure.

Thank you for the opportunity to provide testimony in this matter.



# POLICE DEPARTMENT

## COUNTY OF MAUI



MICHAEL P. VICTORINO  
MAYOR

OUR REFERENCE

YOUR REFERENCE

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TIVOLI S. FAAUMU  
CHIEF OF POLICE

DEAN M. RICKARD  
DEPUTY CHIEF OF POLICE

February 25, 2021

The Honorable Mark M. Nakashima, Chair  
The Honorable Scot Z. Matayoshi, Vice Chair  
31<sup>st</sup> State Legislature 2021  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

RE: HOUSE BILL 175 RELATING TO SEX TRAFFICKING

Dear Chair Nakashima and Committee Members:

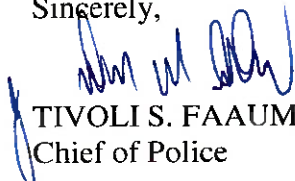
The Maui Police Department SUPPORTS the passage of HB 175, adding coercion as a means of committing the offense of sex trafficking.

By definition coercion is compliance or persuasion by use of threat of force. Victims of sex trafficking usually fall into two populations. Either children, who are forced or induced into commercial sex, and adults who are forced into the commercial sex trade. Both are vulnerable populations with either the inability to resist or put in a situation where they cannot refuse. Certain circumstances or vulnerabilities may lead to higher susceptibility to victimization. Such risk factors are runaway or homeless youth and foreign nationals. Both are highly represented here in Hawaii.

This act will help in prosecution by adding another standard to the current statute which to hold the offender accountable.

Thank you very much for the opportunity to testify.

Sincerely,

  
TIVOLI S. FAAUMU  
Chief of Police



## HB 175, RELATING TO SEX TRAFFICKING

FEBRUARY 26, 2021 · HOUSE JUDICIARY AND  
HAWAIIAN AFFAIRS COMMITTEE · CHAIR REP.  
MARK M. NAKASHIMA

**POSITION:** Support.

**RATIONALE:** Imua Alliance **supports HB 175**, relating to sex trafficking, which amends section 712-1202, Hawaii Revised Statutes, to include coercion as a means of committing the offense of sex trafficking.

Imua Alliance 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. **During the pandemic, demand for victim services to our organization has skyrocketed by 330 percent, driven in part by a fivefold increase in direct crisis calls from potential trafficking victims.**

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. At least 23 percent of trafficking victims in Hawai'i report being first exploited before turning 18, according to a recent report, with the average age of trafficked keiki's initial exposure to exploitation being 11. 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. Imua Alliance, 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 Imua Alliance 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 stop sexual slavery, including by adding coercion as a means of committing the offense of sex trafficking and authorizing 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. Moreover, sex trafficking often involves elements of nonphysical intimidation, such as social manipulation, ridicule, sexual humiliation, emotional and financial injury, and the establishment of a continuous climate of fear. 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.

***Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org***

**HB-175**

Submitted on: 2/24/2021 8:04:28 PM

Testimony for JHA on 2/26/2021 2:00:00 PM

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

Comments:

I support hb175

**HB-175**

Submitted on: 2/25/2021 12:15:19 PM

Testimony for JHA on 2/26/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karen M Radius	Individual	Support	No

Comments:

My name is Karen M. Radius, I am a retired Family Court Judge and the volunteer co-chair of the CSEC (Commercial Exploitation of Children ) Committee on Oahu.

I submit this testimony as a concerned individual.

I support iSB175.. It brings Hawaii law more into alignment with federal law and it clearly recognizes the means and mechanisms that some perpetrators of sex trafficking use to ply their criminal conduct.

I would urge the legislature to take a full look at this section and our entire criminal code regarding sex trafficking of both adults and minor.