

Honolulu, Hawaii

MAR 23 2011

RE: H.B. No. 1003
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 1003, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to provide an enhanced grade of offenses for specified crimes committed against domestic violence victims covered by protective orders or restraining orders.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Police Department of the City and County of Honolulu, Hawaii County Police Department, Hawai'i State Coalition Against Domestic Violence, and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Pacific Alliance to Stop Slavery and Polaris Project.

Your Committee finds that victims of domestic violence often endure extended periods of physical violence, mental abuse, intimidation, harassment, and terrorization before they reach out for help. Your Committee further finds that abuse and violence toward victims often continue after the police or courts have intervened and issued protective orders or restraining orders.



Your Committee additionally finds that current laws do not provide adequate deterrence for many perpetrators of abuse. Upgrading certain criminal offenses, as provided in this measure, will provide a meaningful deterrent for offenders and offer greater protection for domestic violence victims.

Your Committee has also heard testimony regarding the crime of human trafficking. According to testimony received by your Committee, over 60,000 individuals are trafficked into the United States each year, but your Committee believes that the actual figure for the scope of human trafficking is much higher. Your Committee also finds that in September 2010, Hawaii was home to the largest labor trafficking case in the history of the United States.

Accordingly, your Committee has amended this measure by:

- (1) Adding a new part that addresses concerns regarding labor trafficking by establishing:
 - (A) The offense of labor trafficking in the first and second degrees;
 - (B) Additional sentencing considerations for victims held in servitude;
 - (C) Extended terms of imprisonment for labor trafficking offenses;
 - (D) Restitution for victims of labor trafficking;
 - (E) The offense of nonpayment of wages;
 - (F) The offense of unlawful conduct with respect to documents under the labor trafficking law; and
 - (G) Provisions relating to the prosecution of labor trafficking offenses; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B.



No. 1003, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1003, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,

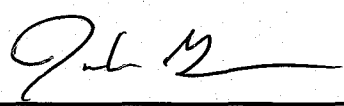
Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1003, HD 2	HMS, J02	3/18/11		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	/			
IHARA, Jr., Les (VC)	/			
GREEN, M.D., Josh	/			
SLOM, Sam				/
TOTAL	3	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes