

Honolulu, Hawaii

April 28, 2011

RE: H.B. No. 141
H.D. 1
S.D. 1
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

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

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 141, H.D. 1, S.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is, among other things, to:

- (1) Establish a class A and B felony offense for labor trafficking;
- (2) Establish an offense for nonpayment of wages; and
- (3) Establish an offense for unlawful conduct with respect to documents.



Your Committee on Conference finds that Hawaii is one of only five states without a specific labor trafficking statute, yet labor trafficking has occurred at an unprecedented level in the State. Over this legislative session there has been lengthy discussion about several labor trafficking bills put forward for consideration. As explained in testimony submitted during the hearings, supplementing and enhancing current law by establishing specific offenses for labor trafficking will be beneficial to the prosecution of these crimes.

This measure will send an unmistakable warning to individuals and entities engaged in labor trafficking and provide a clearer and more structured means for law enforcement agencies to protect and aid victims of trafficking. Further, this measure will be a catalyst for law enforcement agencies, service providers, and other state agencies and community organizations to engage in needed training and education on labor trafficking.

Your Committee on Conference has amended this measure by:

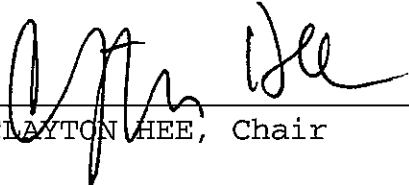
- (1) Specifying that where extortion or kidnapping are used as a means to commit labor trafficking in the first degree, "labor" and "services" shall be as defined in the labor trafficking statute;
- (2) Removing any individual employed by the individual's parent to work for hire from the definition of "employee";
- (3) Requiring the Attorney General to report to the Legislature before the 2014 legislative session; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 141, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 141, H.D. 1, S.D. 1, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE




CLAYTON HEE, Chair



for MAILE SHIMABUKURO, Co-Chair

ON THE PART OF THE HOUSE



GILBERT KEITH-AGARAN, Co-Chair



KARL RHOADS, Co-Chair



