

JAN 19 2012

A BILL FOR AN ACT

RELATING TO HUMAN TRAFFICKING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 371K, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . SERVICES FOR SURVIVORS OF HUMAN TRAFFICKING

5 §371K-A Definitions. As used in this part:

6 "Human trafficking survivor" means a person who has had or
7 now has the condition or status of debt bondage, involuntary
8 servitude, severe forms of trafficking in persons, or sex
9 trafficking as defined in title 22 United States Code, section
10 7102, as amended.

11 "Pre-certified victim of human trafficking" means a person
12 who has a pending application for federal certification as a
13 victim of a severe form of trafficking as defined in title 22
14 United States Code, section 7102, but has not yet obtained such
15 certification, or a person who has reported a crime to law
16 enforcement and it reasonably appears to law enforcement that
17 the person is such a victim.



1 §371K-B Services for victims of human trafficking. (a)

2 The office of community services shall coordinate with and
3 assist law enforcement agencies, the county prosecutors'
4 offices, the attorney general's office, and the department of
5 human services to access appropriate services for human
6 trafficking survivors.

7 (b) In providing assistance pursuant to subsection (a),
8 the office of community services may enter into contracts with
9 nongovernmental organizations for providing services to pre-
10 certified victims of human trafficking, as defined in section
11 371K-A, insofar as funds are available for that purpose. Such
12 services may include case management, emergency temporary
13 housing, health care, child care, mental health counseling, drug
14 addiction screening and treatment, language interpretation and
15 translation services, English language instruction, job training
16 and placement assistance, post-employment services for job
17 retention, transportation services and services to assist the
18 individual and any of the individual's family members to
19 establish a permanent residence in the State of Hawaii or the
20 United States. Nothing in this section shall preclude the
21 office of community services, or any local social services
22 agency, from providing human trafficking victims who are United



1 States citizens or human trafficking survivors, as defined in
2 section 371K-A, with any benefits and services for which they
3 may otherwise be eligible. All funds and services delivered
4 through this provision shall be supplementary to, and shall not
5 duplicate benefits provided by federal government programs
6 designed to assist survivors of human trafficking.

7 **§371K-C Confirmation as a human trafficking survivor. (a)**

8 As soon as practicable after a first encounter with a person who
9 reasonably appears to a law enforcement agency or a district
10 attorney's office to be a human trafficking survivor, that
11 agency or office shall notify the office of community services
12 and the Federal Bureau of Investigation that the person may be
13 eligible for services under this part.

14 (b) Upon receipt of the notification pursuant to
15 subsection (a), the division of criminal justice services, in
16 consultation with the office of community services and the
17 referring agency or office, shall make a preliminary assessment
18 of whether the person appears to meet the criteria for
19 certification as a victim of a severe form of trafficking, as
20 defined in title 22 United States Code, section 7102, or appears
21 to be otherwise eligible for any federal, state, or local
22 benefits and services. If the person is determined to be a pre-



1 certified victim of human trafficking, the office of temporary
2 and disability assistance shall report the finding to the
3 person, and to the referring law enforcement agency or the
4 attorney general's office, and may assist that agency or office
5 in having the pre-certified victim of human trafficking receive
6 services from a case management provider who may be under
7 contract with the office of community services or from any other
8 available source. If the pre-certified victim of human
9 trafficking is under the age of eighteen, the office of
10 community services also shall notify the department of human
11 services of that fact.

12 **§371K-D Law enforcement assistance with respect to**
13 **immigration.** Upon the request of a human trafficking survivor
14 or a representative of a human trafficking survivor, the State,
15 local law enforcement agency, or district attorney's office
16 shall provide the human trafficking survivor with the United
17 States Citizenship and Immigration Service (USCIS) Form I-914
18 Supplement B Declaration of Law Enforcement Officer for Survivor
19 of Trafficking in Persons. To provide persuasive evidence, the
20 state or local law enforcement agency endorsement must contain a
21 description of the victimization upon which the application is
22 based, including the dates the trafficking in persons occurred.



1 The endorsement must address whether the human trafficking
2 survivor had been recruited, harbored, transported, provided, or
3 obtained specifically for either labor servitude or services or
4 for the purposes of a commercial sex act as defined in title 22
5 United States Code, section 7102(3).

6 **§371K-E Rules and Regulations.** The director of labor and
7 industrial relations may adopt rules pursuant to chapter 91 for
8 the implementation and enforcement of this part."

9 SECTION 2. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2012-2013 to
12 provide services for human trafficking survivors.

13 The sum appropriated shall be expended by the department of
14 labor and industrial relations for the purposes of this Act.

15 SECTION 3. In codifying the new sections added by section
16 1 of this Act, the revisor of statutes shall substitute
17 appropriate section numbers for the letters used in designating
18 the new sections in this Act.

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S.B. NO. 2123

1 SECTION 4. This Act shall take effect on July 1, 2012.

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S.B. NO. 2123

Report Title:

Survivors of Human Trafficking; Services; Appropriation

Description:

Requires and appropriates funds for the office of community services, in coordination with other relevant state agencies, to provide social services for survivors of human trafficking.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

