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# A BILL FOR AN ACT

RELATING TO MINORS.

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

1           SECTION 1. The legislature finds that in the United  
2 States, an estimated sixty-three thousand children are sexually  
3 abused each year. One in nine girls and one in fifty-three boys  
4 under the age of consent experience sexual abuse or assault at  
5 the hands of an adult, and ninety-three per cent of these acts  
6 are committed by an individual that the child knows. Further,  
7 the National Center for Missing and Exploited Children has  
8 estimated that approximately one hundred thousand children in  
9 the United States are victims of commercial sexual exploitation  
10 every year.

11           The legislature also finds that children who are victims of  
12 sexual assault are four times more likely to become addicted to  
13 drugs, four times as likely to experience post-traumatic stress  
14 disorder, and three times more likely to experience a major  
15 depressive episode.

16           The legislature further finds that child abusers and child  
17 traffickers often make their victims undergo prolonged stages of



# H.B. NO. 932

1 grooming, which include: targeting the victim, gaining the  
2 victim's trust, filling a need, isolating the child, sexualizing  
3 the relationship, and maintaining control.

4 The legislature believes that children who commit crimes  
5 against individuals who have previously sexually assaulted or  
6 trafficked them should not be subject to lengthy prison  
7 sentences, but instead should be treated as victims and be  
8 provided with treatment and services.

9 The legislature believes that it is necessary to prevent  
10 future injustices against child sex trafficking victims by,  
11 where appropriate, refraining from imposing severe punishments  
12 against them when they commit crimes against their abusers.

13 The purpose of this Act, which shall be known as "Sara's  
14 Law", is to grant judges greater discretion in sentencing in  
15 cases in which a minor who is a sex trafficking victim or sexual  
16 assault victim commits a crime against the victim's abuser.

17 SECTION 2. Chapter 706, Hawaii Revised Statutes, is  
18 amended by adding a new section to be appropriately designated  
19 and to read as follows:

20 "§706- Sentencing of abused minors. Notwithstanding  
21 any law to the contrary, in a case in which the family court has



1 waived jurisdiction over a minor pursuant to section 571-22 and  
 2 the minor is convicted of a criminal offense in circuit court,  
 3 but the court finds by clear and convincing evidence that the  
 4 victim of the crime for which the minor was convicted had  
 5 trafficked the minor or sexually assaulted the minor within one  
 6 year before the minor committed the offense, the court, in its  
 7 discretion, may:

- 8       (1) Depart from any mandatory minimum sentence or
- 9               sentencing enhancement;
- 10       (2) Suspend any portion of an otherwise applicable
- 11               sentence; or
- 12       (3) Transfer the minor to the jurisdiction of the juvenile
- 13               or family court for proper adjudication."

14 SECTION 3. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

*Bryce A. Latta*

*John M. ...*  
*[Signature]*  
*[Signature]*  
*[Signature]*



# H.B. NO. 932

**Report Title:**

Abused Minors; Circuit Courts; Criminal Proceedings; Sentencing

**Description:**

Grants a circuit court, when sentencing a minor for a criminal offense, greater discretion in sentencing if the victim of the crime for which the minor was convicted had trafficked or sexually assaulted the minor within one year before the minor committed the offense.

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

