

JAN 23 2015

A BILL FOR AN ACT

RELATING TO SEX TRAFFICKING.

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

1 SECTION 1. The legislature finds that according to the
2 *National Survey of Residential Programs for Victims of Sex*
3 *Trafficking* conducted by the Illinois Criminal Justice
4 Information Authority (ICJIA), victims of sex trafficking can be
5 any age, race, or gender. However, young girls are most
6 vulnerable and at risk to be coerced into the sex trade.

7 The ICJIA study found that trafficking victims are in need
8 of a wide range of services. Victims of trafficking often
9 suffer from serious physical and psychological problems and are
10 in need of comprehensive, long-term trauma-informed treatment.
11 According to the United States Department of Justice,
12 trafficking victims require specialized recovery programs that
13 offer "shelter, nutrition, and appropriate medical treatment as
14 well as psychological evaluation, counseling, alcohol and drug
15 treatment programs, education programs, and life skills
16 training."



1 However, a study completed by the United States Department
2 of Health and Human Services to learn about services for victims
3 of human trafficking found that "across the board, it was clear
4 that the services provided to this population were inadequate."
5 The ICJIA study reported that historically, there have been a
6 limited number of shelters and services available to trafficking
7 victims and even fewer with the capacity to appropriately treat
8 the severity of problems presented. Trafficking victims have
9 been placed in detention or domestic violence shelters and do
10 not receive services that are tailored to their specific needs.
11 Trafficking victims require extensive care and support that
12 traditional domestic violence or homeless shelters cannot
13 provide.

14 According to the ICJIA study, there has been a trend around
15 the country to open residential facilities designed to better
16 serve the population of victims of sex trafficking. Many of
17 these programs offer comprehensive residential and other
18 services to sex trafficking victims. In addition to residential
19 services, many organizations offer additional services to
20 trafficking victims through outreach and drop-in centers.



1 However, studies have found that the lack of funding is a
2 significant barrier to providing services to trafficking
3 victims. The wide range of services needed by victims often
4 make these services time-consuming and costly, and many programs
5 do not receive adequate funding to support the comprehensive
6 services required to treat trafficking victims. Furthermore,
7 studies have found that coordination with federal, state, and
8 local organizations is a significant challenge to providing
9 services to trafficking victims, especially with the
10 communicating, reporting, and sharing of information. Strong
11 coordination with government agencies is important for
12 prosecution as well as helping trafficking victims obtain proper
13 documentation for and access to services.

14 The purpose of this Act is to require the department of
15 human services to provide proper and necessary emergency
16 treatment to minor sex trafficking victims in Hawaii and
17 appropriate funds.

18 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



1 "§346- Minor sex trafficking victims; emergency care.

2 (a) The department shall coordinate and provide emergency care
3 to minor sex trafficking victims.

4 (b) The department shall assist federal law enforcement,
5 county police departments, sheriff, deputy sheriff, county
6 prosecutors' offices, family courts, attorney general's office,
7 department of health, department of labor, and victim service
8 providers in obtaining emergency care for minor sex trafficking
9 victims.

10 (c) Not more than forty-eight hours after identifying a
11 minor sex trafficking victim, the department shall notify
12 appropriate governmental and non-governmental agencies that the
13 minor may be eligible for services under this section.

14 (d) The department shall establish gender-specific
15 emergency care facilities for the treatment of minor sex
16 trafficking victims. If a minor is found to pose imminent
17 danger to self or others, the minor may be provided emergency
18 care for an indefinite period of time only at an emergency care
19 facility established under this section.

20 (e) For the purposes of this section, a minor sex
21 trafficking victim shall be eligible for services at an



1 emergency care facility that provides services to the minor's
2 gender identity or expression, regardless of whether that gender
3 identity or expression is different from that traditionally
4 associated with the minor's sex at birth.

5 (f) The department may contract with victim service
6 providers for the purposes of implementing this section.

7 (g) The department shall require any victim service
8 provider contracted pursuant to this section to submit to the
9 department a financial report each year that the contract is in
10 effect. The report shall include recommendations about
11 improving services for minor sex trafficking victims. Failure
12 to provide a financial report shall be grounds for the
13 department to terminate a contact with a victim service
14 provider.

15 (h) For the purposes of this section:

16 "Emergency care" means services provided to minor sex
17 trafficking victims, including housing, shelter, rehabilitation,
18 education, vocational, medical, mental health, and substance
19 abuse treatment programs.

20 "Gender identity or expression" shall have the same meaning
21 as set forth in section 378-1.



1 "Minor sex trafficking victim" means a person under the age
2 of eighteen who is found to be:

3 (1) Engaging in prostitution pursuant to section
4 712-1200(1)(a);

5 (2) A victim of promoting prostitution in the first degree
6 pursuant to section 712-1202(b); or

7 (3) A victim of the crime of sex trafficking of children
8 under title 18 United States Code section 1591.

9 "Victim service provider" means any non-governmental
10 organization that provides social, medical, or mental health
11 services, or shelter, to minor sex trafficking victims."

12 SECTION 3. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so
14 much thereof as may be necessary for fiscal year 2015-2016 and
15 the same sum or so much thereof as may be necessary for fiscal
16 year 2016-2017 for the department of human services to
17 coordinate and provide emergency care to minor sex trafficking
18 victims.

19 The sums appropriated shall be expended by the department
20 of human services for the purposes of this Act.

21 SECTION 4. New statutory material is underscored.



S.B. NO. 909

1 SECTION 5. This Act shall take effect on July 1, 2015.

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S.B. NO. 909

Report Title:

Sex Trafficking; Minors; Emergency Care; Appropriation

Description:

Requires the department of human services to provide emergency care services such as housing, shelter, rehabilitation, education, vocational, medical, mental health, and substance abuse treatment to minor sex trafficking victims. Appropriates funds.

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