

STAND. COM. REP. NO. 1146

Honolulu, Hawaii

**MAR 25 2021**

RE: H.B. No. 887  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 887, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose and intent of this measure is to increase protections for victims of sex trafficking and commercial sexual exploitation by:

- (1) Creating a separate commercial sexual exploitation offense for those who provide anything of value to engage in sexual conduct with another;
- (2) Adding sex trafficking to offenses that can be prosecuted at any time;
- (3) Making a person strictly liable for sex trafficking of a minor in terms of the victim's age;
- (4) Changing the name of the crime of solicitation of a minor for prostitution to commercial sexual exploitation of a minor;
- (5) Increasing the grade of offense of commercial sexual exploitation of a minor to a class B felony; and



- (6) Adding "anything of value" as a type of compensation for purposes of engaging in commercial sexual exploitation.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Maui Police Department, Maui County Department of the Prosecuting Attorney, Honolulu Police Department, City and County of Honolulu Department of the Prosecuting Attorney, Imua Alliance, CHILD USAAdvocacy, Ho'ola Na Pua, Survivors for Solutions, and four individuals. 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 Hawaii State Commission on the Status of Women.

Your Committee finds that sex trafficking is an ever-evolving criminal enterprise in which traffickers and exploiters find various means to sexually exploit the most vulnerable in our community. Your Committee also finds that protecting victims from sexual exploitation in all its forms and holding offenders accountable is difficult given the disparity in power between the victims and perpetrators. Your Committee also finds that updating Hawaii's sex trafficking laws to better reflect a survivor-centered response to hold sex buyers and traffickers accountable will improve outcomes for trafficking victims and survivors. Your Committee further notes the concerns of one member of your Committee that although no amendment was made to the law enforcement exemption language, any such exemption should not be interpreted to allow for undercover law enforcement "acting in the course and scope of duties during undercover operations" to be permitted to engage in any form of sexual contact with sexually exploited individuals, including the current restrictions against "sexual penetration or sadomasochistic abuse."

Accordingly, your Committee has amended this measure by:

- (1) Establishing a good faith exemption to the crime of commercial sexual exploitation for individuals who seek law enforcement assistance or medical assistance for themselves or others as proposed by the Commission on the Status of Women; 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. 887, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 887, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

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



JOY A. SAN BUENAVENTURA, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <i>HB887 HD1</i>	Committee Referral: <i>HMS, JDC</i>	Date: <i>3/16/2021</i>		
<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
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)	✓			
ACASIO, Laura	✓			
MISALUCHA, Bennette E.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<i>5</i>	<i>0</i>	<i>0</i>	<i>0</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>[Handwritten Signature]</i></div>				
Distribution:             Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes