

# H.B. NO. 874

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## A BILL FOR AN ACT

RELATING TO CHILD VICTIMS OF SEX AND LABOR TRAFFICKING.

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

1           SECTION 1. The purpose of this Act is to recognize the  
2 vulnerability of children who are victims of sex and labor  
3 trafficking and to ensure the provision of the necessary and  
4 appropriate services within the scope of the department of human  
5 services, for children served by the child welfare services  
6 branch.

7           The amendment to the definition of "harm" in chapter 587A,  
8 Hawaii Revised Statutes, clarifies that "harm" includes children  
9 who are victims of sex and labor trafficking and will ensure  
10 that these children will receive appropriate services,  
11 treatment, and permanent plans.

12           To be consistent with the amendment to the definition of  
13 "harm", an amendment to the definition of what constitutes  
14 reportable child abuse and neglect as required in chapter 350,  
15 Hawaii Revised Statutes, will clarify that sex and labor  
16 trafficking are also reportable acts.

1 SECTION 2. Section 350-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "child abuse or neglect"  
3 to read as follows:

4 "Child abuse or neglect" means the acts or omissions of  
5 any person who, or legal entity which, is in any manner or  
6 degree related to the child, is residing with the child, or is  
7 otherwise responsible for the child's care, that have resulted  
8 in the physical or psychological health or welfare of the child,  
9 who is under the age of eighteen, to be harmed, or to be subject  
10 to any reasonably foreseeable, substantial risk of being  
11 harmed. The acts or omissions are indicated for the purposes of  
12 reports by circumstances that include but are not limited to:

- 13 (1) When the child exhibits evidence of:
- 14 (A) Substantial or multiple skin bruising or any  
15 other internal bleeding;
  - 16 (B) Any injury to skin causing substantial bleeding;
  - 17 (C) Malnutrition;
  - 18 (D) Failure to thrive;
  - 19 (E) Burn or burns;
  - 20 (F) Poisoning;
  - 21 (G) Fracture of any bone;
  - 22 (H) Subdural hematoma;
  - 23 (I) Soft tissue swelling;

- 1 (J) Extreme pain;
- 2 (K) Extreme mental distress;
- 3 (L) Gross degradation; or
- 4 (M) Death; and
- 5 such injury is not justifiably explained, or when the
- 6 history given concerning such condition or death is at
- 7 variance with the degree or type of such condition or
- 8 death, or circumstances indicate that such condition
- 9 or death may not be the product of an accidental
- 10 occurrence; or
- 11 (2) When the child has been the victim of sexual contact
- 12 or conduct, including, but not limited to, sexual
- 13 assault as defined in the Penal Code, molestation,
- 14 sexual fondling, incest, or prostitution; obscene or
- 15 pornographic photographing, filming, or depiction; or
- 16 other similar forms of sexual exploitation[~~+~~~~or~~]
- 17 including, but not limited to, sexual exploitation
- 18 pursuant to the provisions in section 712-1202; or
- 19 (3) When there exists injury to the psychological capacity
- 20 of a child as is evidenced by an observable and
- 21 substantial impairment in the child's ability to
- 22 function; or

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- 1           (4) When the child is not provided in a timely manner with  
2           adequate food, clothing, shelter, psychological care,  
3           physical care, medical care, or supervision; or  
4           (5) When the child is provided with dangerous, harmful, or  
5           detrimental drugs as defined by section 712-1240;  
6           provided that this paragraph shall not apply when such  
7           drugs are provided to the child pursuant to the  
8           direction or prescription of a practitioner, as  
9           defined in section 712-1240 [-]; or  
10          (6) The child has been the victim of labor trafficking as  
11          provided for under chapter 707."

12           SECTION 3. Section 587A-4, Hawaii Revised Statutes, is  
13 amended by amending the definition of "harm" to read as follows:

14           ""Harm" means damage or injury to a child's physical or  
15 psychological health or welfare, where:

- 16           (1) The child exhibits evidence of injury, including, but  
17           not limited to:  
18           (A) Substantial or multiple skin bruising;  
19           (B) Substantial external or internal bleeding;  
20           (C) Burn or burns;  
21           (D) Malnutrition;  
22           (E) Failure to thrive;  
23           (F) Soft tissue swelling;

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- 1 (G) Extreme pain;
- 2 (H) Extreme mental distress;
- 3 (I) Gross degradation;
- 4 (J) Poisoning;
- 5 (K) Fracture of any bone;
- 6 (L) Subdural hematoma; or
- 7 (M) Death;

8 and the injury is not justifiably explained, or the  
9 history given concerning the condition or death is not  
10 consistent with the degree or type of the condition or  
11 death, or there is evidence that the condition or  
12 death may not be the result of an accident;

13 (2) The child has been the victim of sexual contact or  
14 conduct, including sexual assault; sodomy;  
15 molestation; sexual fondling; incest; prostitution;  
16 obscene or pornographic photographing, filming, or  
17 depiction; or other similar forms of sexual  
18 exploitation[+] including, but not limited to, sexual  
19 exploitation pursuant to the provisions in section  
20 712-1202;

21 (3) The child's psychological well-being has been injured  
22 as evidenced by a substantial impairment in the  
23 child's ability to function;

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- 1           (4) The child is not provided in a timely manner with  
2           adequate food; clothing; shelter; supervision; or  
3           psychological, physical, or medical care; [~~or~~]  
4           (5) The child is provided with dangerous, harmful, or  
5           detrimental drugs as defined in section 712-1240,  
6           except when a child's family administers drugs to the  
7           child as directed or prescribed by a practitioner as  
8           defined in section 712-1240 [~~-~~]; or  
9           (6) The child has been the victim of labor trafficking as  
10          provided for under chapter 707."

11          SECTION 4. Statutory material to be repealed is bracketed  
12          and stricken. New statutory material is underscored.

13          SECTION 5. This Act, upon its approval, shall take effect  
14          on July 1, 2013.

15  
16          INTRODUCED BY: \_\_\_\_\_



BY REQUEST

JAN 22 2013

# H.B. NO. 874

**Report Title:**

Services; Youth Victims of Sex and Labor Trafficking

**Description:**

Ensures that the Department of Human Services provides the necessary services to Hawaii's youth who are victims of sex and labor trafficking.

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

HB874

JUSTIFICATION SHEET

DEPARTMENT: Human Services

TITLE: RELATING TO CHILD VICTIMS OF SEX AND LABOR TRAFFICKING.

PURPOSE: To recognize the vulnerability of children who are victims of sex and labor trafficking and to ensure the provision of the necessary and appropriate services within the scope of the Department of Human Services, for children served by the child welfare services branch.

MEANS: Amend sections 350-1 and 587A-4, Hawaii Revised Statutes.

JUSTIFICATION: Victims of child abuse and/or neglect and minor victims of sex and labor trafficking require a multi-disciplinary treatment approach, including care and services in the dependency process, counseling, health care, substance abuse treatment, educational opportunities, and a safe environment secure from their predators.

Sexually and labor exploited children need the special care and services described above, independent of their citizenship, residency, alien, or immigrant status.

Including sex and labor trafficking in the definitions of harm in section 350-1, Hawaii Revised Statutes, and section 587A-4, Hawaii Revised Statutes, with allow appropriate reporting and subsequent action.

Impact on the public: Increased support for children who are victims of sexual exploitation or labor trafficking will promote an environment and state that cares for our very vulnerable, abused, and exploited children. Increased support will promote prevention, early identification, intervention, and services to address the



needs of the children. Support for these children may contribute to improved outcomes including safety and emotional and psychological well being for those who have been so adversely affected as victims of labor trafficking and sexual exploitation.

Impact on the department and other agencies:  
There may be an increase in the workload for the Department, the Department of Health, and the Judiciary, as well as the need for additional State funding for services, as more children may be identified and in need of specialized services and supports.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HMS 303 and HMS 301.

OTHER AFFECTED AGENCIES: Judiciary and the Department of Health.

EFFECTIVE DATE: July 1, 2013.