



THE JUDICIARY, STATE OF HAWAII

Testimony to the House Committee on Human Services
Representative John M. Mizuno, Chair
Representative Tom Brower, Vice Chair

Monday, January 25, 2010
State Capitol, Conference Room 329

by
Janice Yamada
Probation Administrator

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1885, Relating to Electronic Monitoring

Purpose: Extends the sunset date of the electronic monitoring program to July 1, 2011. It also requires the Judiciary to submit a report to the 2011 Legislature on concerns and recommendations to improve the global positioning satellite tracking system.

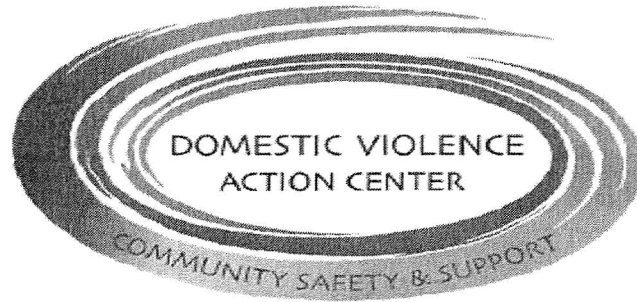
Judiciary's Position:

The Judiciary is unable to support this measure. The absence of appropriate funding has made it impossible for the Judiciary to implement an electronic monitoring program for persons convicted of violating a domestic abuse temporary restraining order or protective order.

In previous testimony provided to the House Committee on Human Services and Housing on March 11, 2008, the Judiciary noted that it would cost approximately \$1,008 per year to equip an offender who was ordered to wear an electronic monitoring device. The Judiciary had requested funding through the Legislature to cover the required costs of an electronic monitoring program; however, it received no monetary allocation from the Legislature to set up such a program. In addition, the Judiciary was unsuccessful in its attempt to obtain federal funding to develop an electronic monitoring program.

The current state of the economy continues to make it difficult to set up an electronic monitoring program and the Judiciary has no funds in its current budget to fund such a program.

Thank you for the opportunity to testify on House Bill No. 1885.



TO: Chair John Mizuno
Vice Chair Tom Brower
Members of the Committee

FR: Nanci Kreidman, M.A.

RE: H.B. 1885

Aloha and good morning. This testimony is submitted in support of H.B. 1885. There are many tools that our community has developed and implemented to assist victims of domestic violence achieve safety and self-sufficiency. Our civil and criminal justice system agencies, law enforcement and healthcare professionals, therapists and mental health providers have all participated in training and reform to strengthen our community's response. Electronic monitoring for perpetrators who have a restraining order issued to keep their victims safe could enhance the work being done.

Research shows that victims of intimate partner violence (IPV) often continue to be in danger from their batterer and are in fact likely to be at increased risk once they separate. Statistics show that approximately 75% of the women murdered by a partner or former partner had separated from their batterer or told their batterer they planned to leave. Many victims of IPV seek Temporary Restraining Orders (TRO)/Protective Orders (PO) as a tool to increase their safety. Electronic monitoring for TRO/PO violators serves as an additional tool that would assist in protecting victims and their children's safety by alerting the victim if the batterer has crossed into an exclusionary zone.

Thank you for considering the extended timeline for the sunset of the existing law.

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brower1-Traci

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Friday, January 22, 2010 11:35 PM
To: HUSstestimony
Subject: HB1885 to be heard Monday, 01/25/10 at 8:30am in Room 329

TO: Representative John Mizuno, Chair

Representative Tom Brower, Vice-Chair

Members of the Committee Human Services

FROM: Dara Carlin, M.A.

881 Akiu Place

Kailua, HI 96734

DATE: January 25, 2009

RE: Support for HB1885, Relating to Electronic Monitoring

Thank you for keeping a pulse on this important piece of legislation that is certain to save lives if implemented. I know that monetary costs of this program have been of concern, but please bear in-mind that electronic monitoring won't be necessary in *all* cases and that the offender should bear the burden of its cost ESPECIALLY if the offender has used GPS and other electronic monitoring to stalk his victim. If an offender can afford to pay for GPS devices to put on his victim's cars, cell phones and even in children's electronic toys, he'll just have to find a way to pay for an ankle bracelet he deserves to wear. When this bill was originally discussed, a defense attorney asked the Judiciary Committee to take into account the embarrassment it would cause to the person wearing the ankle bracelet; I can assure you, the embarrassment of wearing this device is NOTHING compared to the embarrassment of facing family, friends and co-workers with a split lip, a blackened eye or fingerprint bruises on your arms.

Thank you for this opportunity to provide testimony on this matter.

Respectfully submitted,



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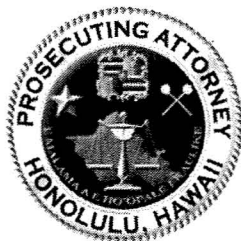
Respectfully submitted,

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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PETER B. CARLISLE
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DOUGLAS S. CHIN
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE JOHN M. MIZUNO, CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES**

**THE HONORABLE TOM BROWER, VICE CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES**

**TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION OF 2010**

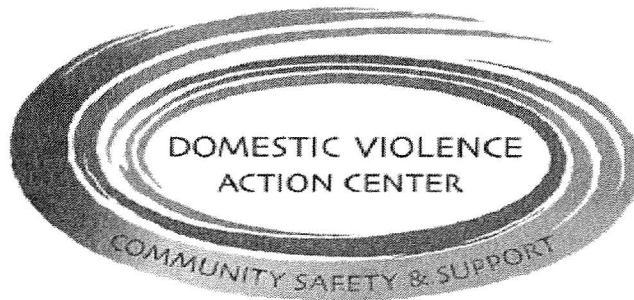
January 25, 2010

RE: HOUSE BILL 1885; RELATING TO ELECTRONIC MONITORING

Good morning Chair Mizuno, Vice Chair Brower and members of the Human Services Committee, the Department of the Prosecuting Attorney provides the following testimony **in support of H.B. 1885, with amendments**, which proposes to extend the sunset date of the electronic monitoring program to July 1, 2011. The bill further proposes that the Judiciary submit a report to the 2011 Legislature on concerns and recommendations to improve the global positioning satellite tracking system.

Our Department supported the enactment of this measure in 2008 and had hoped that the availability of electronic monitoring as an additional tool for insuring the safety of victims of domestic violence would improve our ability to protect victims. However, the enactment of electronic monitoring was followed by some of the most difficult economic times in the history of our state, thus limiting the ability of our courts to utilize it in any meaningful way. We therefore favor the extension of the sunset date incorporated into the original legislation. However, given the nature and extent of the current dismal fiscal climate we believe that extending the sunset date until July 1, 2012 may be more realistic and practical than the July 1, 2011 date proposed in H.B. 1885.

For the reasons cited above, we request your support for H.B. 1885, with the amendments that we have suggested above. Thank you for your time and consideration.



TO: Chair John Mizuno
Vice Chair Tom Brower
Members of the Committee

FR: Nanci Kreidman, M.A.

RE: H.B. 1885

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Research shows that victims of intimate partner violence (IPV) often continue to be in danger from their batterer and are in fact likely to be at increased risk once they separate. Statistics show that approximately 75% of the women murdered by a partner or former partner had separated from their batterer or told their batterer they planned to leave. Many victims of IPV seek Temporary Restraining Orders (TRO)/Protective Orders (PO) as a tool to increase their safety. Electronic monitoring for TRO/PO violators serves as an additional tool that would assist in protecting victims and their children's safety by alerting the victim if the batterer has crossed into an exclusionary zone.

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HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

TO: Chair Mizuno, Vice Chair Brower and Members of the Committee

FR: Jane Seymour, Hawaii State Coalition Against Domestic Violence

Hearing date and time: Monday, January 25, 2010 at 8:30am

RE: Support for HB 1885: Relating to Electronic Monitoring

Aloha, my name is Jane Seymour and I am representing the HSCADV, a private non-profit agency which serves as a touchstone agency for the majority of domestic violence programs throughout the state. For many years HSCADV has worked with the Hawaii Legislature by serving as an educational resource and representing the many voices of domestic violence programs and survivors of domestic violence.

HSCADV supports HB 1885

Research shows that victims of intimate partner violence (IPV) often continue to be in danger from their batterer and are in fact likely to be at increased risk once they separate. Statistics show that approximately 75% of the women murdered by a partner or former partner had separated from their batterer or told their batterer they planned to leave. Many victims of IPV seek Temporary Restraining Orders (TRO)/Protective Orders (PO) as a tool to increase their safety. Electronic monitoring for TRO/PO violators serves as an additional tool that would assist in protecting victims and their children's safety by alerting the victim if the batterer has crossed into an exclusionary zone.

Currently, the electronic monitoring program is not being fully utilized in Hawaii. In order to gain more knowledge about the benefits and challenges of a global positioning tracking system, it is necessary to extend the sunset date of this program to July 1, 2011.

Thank you for the opportunity to testify.