

JAN 23 2015

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# A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE.

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

1           SECTION 1. The legislature finds that victims of domestic  
2 violence currently lack meaningful support and viable options  
3 when establishing a plan to leave an abuser. Independence of a  
4 phone plan may often aid these victims in formulating and  
5 following through on a means of escape, especially in situations  
6 where the abuser is the account manager for the cellphone plan,  
7 and as a result, may view any calls and account activity of  
8 phones associated with the shared or family cellphone plan.

9           The legislature further finds that the major communications  
10 service providers currently permit cancellation or removal of  
11 phone numbers or phones from shared or family wireless service  
12 contracts, albeit with substantial fees attached. The  
13 substantial cancellation fees often amplify the hardship faced  
14 by the domestic violence victim because of the financial  
15 challenges those fees can pose.

16           The purpose of this Act is to require all communication  
17 service providers to release, without charge or fee, victims of



1 documented domestic violence from shared wireless plans  
2 involving their abuser, provided that the victims submit an opt-  
3 out request in writing and documented evidence of domestic  
4 violence.

5 SECTION 2. Chapter 269, Hawaii Revised Statutes, is  
6 amended by adding a new section to be appropriately designated  
7 and to read as follows:

8 **"§269- Release of domestic violence victims from shared**  
9 **wireless plans.** (a) All telecommunications carriers shall  
10 release without charge or penalty any victim of domestic  
11 violence from a shared or family wireless service contract  
12 involving the victim's abuser; provided that the victim submits  
13 an opt-out request in writing and with evidence of domestic  
14 violence as documented by any of the following items:

- 15 (1) Valid police report documenting an instance or series  
16 of instances of domestic violence;  
17 (2) Order for protection granted pursuant to chapter 586;  
18 or  
19 (3) Signed affidavit from a licensed medical or mental  
20 health care provider, employee of a court acting



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1           within the scope of their employment, or social  
2           worker.

3           (b) Any victim of domestic violence who submits an opt-out  
4 request to a telecommunications carrier pursuant to subsection  
5 (a) may further request a substitute or new phone number or  
6 alternative telecommunications service. Upon such request, the  
7 telecommunications carrier shall provide a substitute or new  
8 phone number or alternative telecommunications service without  
9 charge or fee and within twenty-four hours from the time of the  
10 opt-out request.

11           (c) For purposes of this section, "domestic violence" has  
12 the same meaning as in section 321-471."

13           SECTION 3. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16           SECTION 4. New statutory material is underscored.

17           SECTION 5. This Act shall take effect upon its approval.

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**Report Title:**

Domestic Violence; Wireless Plans; Cellphones; Contractual Release

**Description:**

Requires telecommunications carriers to release individuals from shared or family wireless plans, without charge, upon written request in documented instances of domestic violence.

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

