

STAND. COM. REP. NO. **775**

Honolulu, Hawaii

MAR 06 2015

RE: S.B. No. 752
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 752 entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to require telecommunications carriers to release individuals from shared or family wireless plans, without charge, upon written request in documented instances of domestic violence.

Your Committee received testimony in support of this measure from PHOCUSED and four individuals. Your Committee received testimony in opposition to this measure from CTIA-The Wireless Association.

Your Committee finds that victims of domestic violence often find themselves struggling to escape their abusive situations. Being forced to share a continued wireless service plan with an abuser makes it even more difficult for a victim of domestic violence to leave and disassociate themselves from their abuser. Abusers will often manipulate their partners through cellular phones in ways that have significant safety and financial implications for victims. This measure enables victims of domestic violence to opt out of wireless contractual obligations and ensures the victims' safety by providing a new telephone number.



Your Committee notes the written testimony in opposition to this measure submitted by CTIA-The Wireless Association that this measure may violate title 47 United States Code section 332(c). To address this potential conflict with federal law, your Committee believes that amending chapter 586, Hawaii Revised Statutes (HRS), relating to domestic abuse protective orders, may be more appropriate to accomplish the purpose of this measure than amending chapter 269, HRS, relating to the Public Utilities Commission. However, your Committee encourages further discussion on this possible conflict with federal law as this measure moves through the legislative process.

In addition, as this measure moves through the legislative process, your Committee encourages discussion to explore other areas in which a court order requiring a wireless telecommunications service provider to release or transfer a victim of domestic abuse from a shared wireless plan may be applicable in assisting individuals with moving forward from relationship conflicts.

Accordingly, your Committee has amended this measure by:

- (1) Condensing the purpose section in section 1;
- (2) Removing the language under section 2 and replacing it with language suggested by CTIA-The Wireless Association through testimony received by your Committee which adds a new section to chapter 586, HRS, to authorize the Family Court to issue an order that requires wireless telecommunications service providers to transfer billing authority and rights to phone numbers to petitioners who are domestic abuse victims or to release petitioners who are domestic abuse victims from shared wireless plans;
- (3) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (4) 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 Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 752, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 752, S.D. 1.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



