



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 2, 2016

TO: The Honorable Representative Dee Morikawa, Chair  
House Committee on Human Services

FROM: Rachael Wong, DrPH, Director

SUBJECT: **HB 1606 – RELATING TO CIVIL IDENTIFICATION CARDS**

Hearing: Tuesday, February 2, 2016, 9:00 a.m.  
Conference Room 329, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) understands the intent of this measure and offers comments. The DHS defers to the Department of Transportation on REAL ID Act requirements, if any, implementation and fiscal matters related to this proposal.

**PURPOSE:** The purpose of the bill is to allow homeless persons to replace free of charge their lost, stolen, destroyed, or mutilated civil identification cards by amending section 286-306, Hawaii Revised Statutes (HRS), to provide 3 ways for an individual to verify homelessness.

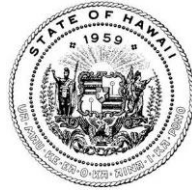
Last session the legislature passed Act 243 (2015), which similarly provided a process for homeless individuals to obtain a fee waiver when applying for or renewing state identification, and to establish a principal address by verifying homelessness through several means. This measure creates a slightly different process for homeless individuals to obtain a free identification card, essentially a fee waiver for replacement of lost, stolen, destroyed or mutilated identification cards.

Through membership of DHS on the working group created by Act 243 (2015), members learned that there are multiple government systems and processes that individuals must go through to establish one's identity, obtain vital records and secure valid government ID. While providing a way to waive licensing fees may appear to be a relatively simple fix in the process of

replacing ID, creating another nearly similar, but nonetheless different process, does not streamline the process but rather creates additional points of confusion, for not only the public, but also for the different county licensing departments that have to administer, evaluate and attempt to verify factual information.

The Act 243 (2015) working group recommended that the legislature appropriate funds for service providers, including funds for civil legal services and fees, to assist homeless individuals to obtain or replace government identification. By including funds for fees and services to service providers adding to the available service array, providers would be more likely to support an individual's transition from homelessness, and individuals may be more encouraged to participate with services. Just providing a statement of verification, and allowing a free replacement, doesn't necessarily provide an incentive to seek permanent housing. DHS respectfully suggests that providing funds for fees and services would be more effective than the piece-meal altering of fees under the State's purview. It would likely cost more resources to produce the verification of homelessness documentation than to provide funds for the fee.

Thank you for the opportunity to provide comment on this bill.



**EXECUTIVE CHAMBERS**  
HONOLULU

**DAVID Y. IGE**  
GOVERNOR

February 2, 2016

TO: The Honorable Representative Dee Morikawa, Chair  
House Committee on Human Services

FROM: Scott Morishige, MSW, Governor's Coordinator on Homelessness

SUBJECT: **HB 1606 – Relating to Civil Identification Cards**

Hearing: Tuesday, February 2, 2016, 9:00 a.m.  
Conference Room 329, State Capitol

**POSITION:** The Governor's Coordinator on Homelessness offers written comments in regards to HB1606, and defers to the Department of Transportation in regards to specific issues related to implementation, including cost implications.

**PURPOSE:** The purpose of the bill is to allow homeless persons to replace their lost, stolen, destroyed, or mutilated civil identification cards free of charge.

To better understand Hawaii's high rate of homelessness, the Coordinator has convened meetings with community stakeholders, including homeless service providers. According to service providers, the lack of valid photo identification is a key barrier that often prevents homeless individuals from accessing basic needs, such as housing or employment.

While lack of finances has been identified as one barrier to obtaining photo identification, it is not the only barrier. There are a variety of factors that contribute to the difficulty homeless individuals face in attempting to obtain photo identification.

According to service providers, many homeless individuals lack the supporting documents necessary to verify their identify, such as a Social Security Card or Birth Certificate. To add to this difficulty, valid photo identification is sometimes required to obtain these other identification documents. In addition, service providers report that many homeless individuals lacking photo identification or supporting documents are from out-of-state, and each state or community may have a different process or set of fees necessary to obtain a Birth Certificate or other identification documents.

The Coordinator also notes that Act 243, Session Laws of Hawaii 2015, established a working group to “conduct research and develop a plan to enable individuals in the State who are unable to produce documentation required for a state civil ID card to obtain satisfactory documentary evidence.” Accordingly, the Coordinator defers to the interim report of this working group in regards to specific recommendations on how to address this complex challenge.

Thank you for the opportunity to provide comments on this bill.



uary95-954 Makakilo Dr. #71 Kapolei, HI 96707 Email: [Rainbowfamily808@gmail.com](mailto:Rainbowfamily808@gmail.com) Phone: 808-779-9078 Fax: 808672-6347

January 1, 2016

TO: HOUSE HUMAN SERVICES COMMITTEE

RE: HB1606 ID Cards Humanitarian Measure

The purpose of this Act is to allow homeless persons to replace free of charge their lost, stolen, destroyed, or mutilated civil identification cards.

Aloha Rep. Morikawa and members of the Human Services Committee,

Rainbow Family 808 wholeheartedly supports HB 1606 to allow free replacement of civil identification cards. This Bill is a Humanitarian Measure that needs to become law immediately to help bring justice and humanity back to our state.

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Mahalo nui loa,<sup>1</sup>

Carolyn Martinez Golojuch, MSW

President

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IF MORE PEOPLE BELIEVED IN JUSTICE, THE WORLD WOULD BE A BETTER PLACE!



Committee: Committee on Human Services  
Hearing Date/Time: Tuesday, February 2, 2016, 9:00 a.m.  
Place: Conference Room 329  
Re: Testimony of the ACLU of Hawaii in Support of H.B.1606, Relating to Civil Identification Cards

Dear Chair Morikawa and Members of the Committee on Human Services:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of H.B. 1606, which would allow homeless persons to replace their lost, stolen, destroyed, or mutilated civil identification cards free of charge.

Lack of identification is a significant problem for homeless individuals in Hawaii. In the past, this has been especially prevalent following “sweeps” conducted by government officials, during which many unsheltered individuals’ personal identification was lost or taken. Without identification, homeless individuals have difficulty accessing shelter, applying for work, cashing checks, or applying for public benefits. Even when replacement is possible, however, the costs associated with replacing this identification create a substantial financial burden on homeless individuals and families, who often must choose between replacing their vital identification documents and purchasing food. Existing law therefore perpetuates the cycle of poverty and leads to extended periods of homelessness, and H.B. 1606 would be a significant step in addressing these long-standing and difficult issues.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Mandy Finlay". The signature is written in a cursive, flowing style.

Mandy Finlay  
Advocacy Coordinator  
ACLU of Hawaii

*The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.*

American Civil Liberties Union of Hawaii  
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Honolulu, Hawaii'i 96801  
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F: 808.522-5909  
E: [office@acluhawaii.org](mailto:office@acluhawaii.org)  
[www.acluhawaii.org](http://www.acluhawaii.org)

Edward Thompson, III

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, January 27, 2016 7:50 PM  
To: HUS testimony  
Cc: dylanarm@hawaii.edu  
Subject: \*Submitted testimony for HB1606 on Feb 2, 2016 09:00AM\*

**HB1606**

Submitted on: 1/27/2016

Testimony for HUS on Feb 2, 2016 09:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dylan Armstrong	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Edward Thompson, III

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, January 27, 2016 1:43 PM  
To: HUS testimony  
Cc: mendezj@hawaii.edu  
Subject: \*Submitted testimony for HB1606 on Feb 2, 2016 09:00AM\*

**HB1606**

Submitted on: 1/27/2016

Testimony for HUS on Feb 2, 2016 09:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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January 27, 2016

Dear Chairman and Members of the House Committee on Human Services.

Re: HB No. 1606

To: The Honorable Representative Mr. Mizuno and representatives of the committee.

Aloha,

I am a graduate student of the Social Work Master Program at the University of Hawaii, and I am submitting this testimony in support of HB No. 1606 in relation to civil identification cards for homeless persons in Hawaii. I have recently been involved with the homeless population in our community and I believe this is great opportunity to help some of homeless citizens to obtain proper identification to access resources.

I support this Act allowing homeless persons to have replaced and free of charge their lost, stolen, destroyed or mutilated civil identification cards. I have witness the major hardships this group of our population go through to have a proper identification replacement card issued again. This Act recommends homeless persons to have their identification free of charge allowing them continued access to a much needed services out in our community. I agree with requiring suitable proof of the loss, destruction or mutilation to the examiner, and filing an application presenting evidence under section 286-303. The original or renewal identification card should have an expiration date that shall be the date and month of the individual 's birthdate and eight years after the issuance; provide that the individual is legal nonimmigrant. I also concur with HB No. 1606 paragraph 12 (e) which specifies that the fee charged under section (b) for a duplicate care shall not apply to a homeless person whose status as a homeless person is verified in writhing by: the homeless facility that is authorized to provide shelter to the homeless or to facilitate homeless programs; and or a provider agency that is contracted by the Department of Human Services.

This might seem such a small change but I would like to thank those that are taking the time to help those that don't have a voice or are no being heard. Thank you for helping treat this group of people with dignity and respect and giving them a hand accessing some fundamental and basic needs.

Thank you for your time and attention to my testimony.

Sincerely,

Tamara A. Vilchis  
UH MSW Student Intern  
808-927-2870

**kobayashi2-Jessi**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, January 28, 2016 11:08 PM  
**To:** HUS testimony  
**Cc:** mjgolo@email.phoenix.edu  
**Subject:** \*Submitted testimony for HB1606 on Feb 2, 2016 09:00AM\*

**HB1606**

Submitted on: 1/28/2016

Testimony for HUS on Feb 2, 2016 09:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Golojuch	Individual	Support	No

Comments:

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**kobayashi2-Jessi**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 01, 2016 11:28 AM  
**To:** HUS testimony  
**Cc:** burgharc@gmail.com  
**Subject:** Submitted testimony for HB1606 on Feb 2, 2016 09:00AM

**HB1606**

Submitted on: 2/1/2016

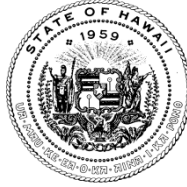
Testimony for HUS on Feb 2, 2016 09:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
cheryl	Individual	Support	No

Comments: Have you been with a houseless person to try and get anything without ID? Please allow them to get this ID.

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Testimony by:  
FORD N. FUCHIGAMI  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 2, 2016  
9:00 AM  
State Capitol, Room 329



**H.B. 1606**  
**RELATING TO CIVIL IDENTIFICATION CARDS**

House Committee on Human Services

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The Department of Transportation (DOT) **opposes** H.B. 1606 Relating to Government Issued Identification. This bill allows homeless persons to replace their lost, stolen, destroyed, or mutilated civil identification cards free of charge.

Individuals seeking to obtain a duplicate of their civil identification card pay a fee when applying for the duplicate identification card. The fee will cover the production cost of the identification card and the administrative cost of processing the application for the duplicate identification card.

This bill allows homeless persons, with written verification from:

- (1) A homeless facility that is authorized to provide shelter to the homeless or to facilitate homeless programs under part XVII of chapter 346;
- (2) A provider agency that is contracted by the department of human services under part XVII of chapter 346 to provide labor and services to any homeless facility or any other program for the homeless under that part; or
- (3) An attorney licensed to practice law in this State to obtain a civil identification card "free of charge."

The Department is concerned that this bill does not limit the number of duplicates a qualified individual can receive during the period of validity of the civil identification card. This situation creates a potential for resource impacts to the Department and additional repeat customer traffic at the issuing driver license locations.

DOT suggests addressing this issue through H.B. 2162 as it will provide an appropriation of funding to the Department of Human Services, Homeless Programs Office to develop or expand assistance and public outreach for individuals to obtain and maintain government issued identification such as the Hawaii civil identification card.

Thank you for the opportunity to provide testimony.



**LATE**

*46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director*

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**TESTIMONY FOR HOUSE BILL 1606, RELATING TO CIVIL IDENTIFICATION  
CARDS**

**House Committee on Human Services  
Hon. Dee Morikawa, Chair  
Hon. Bertrand Kobayashi, Vice Chair**

**Tuesday, February 2, 2016, 9:00 AM  
State Capitol, Conference Room 329**

Honorable Chair Morikawa and committee members:

I am Kris Coffield, representing the IMU Alliance, a nonpartisan political advocacy organization that currently boasts over 350 local members. On behalf of our members, we offer this testimony in support of HB 1606, relating to civil identification cards.

Over the past three years, Honolulu Mayor Kirk Caldwell and the Honolulu City Council have enacted several ordinances aimed at “compassionately disrupting” homelessness on O’ahu. The most prominent of these ordinances are recently enacted sit-lie bans, which were originally implemented in high commerce areas like Waikiki, but have been expanded to commercial properties located in all regions of O’ahu, including windward and leeward towns and, most recently, malls bordered by businesses. Additionally, “obstruction” ordinances target property stored on sidewalks and houseless persons remaining in parks after operating hours. These city ordinances amount to an unconstitutional criminalization of the homeless. Councilmembers have stated that the new laws do not specifically target the homeless, but rather anyone engaging in obstructive activity.

Many judges and legal experts around the country have repeatedly argued that these laws are selectively enforced against the homeless in the form of unannounced property raids, which constitute an unconstitutional violation of the Fourth Amendment's search and seizure protections. For clarity, the Fourteenth Amendment provides that:

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Again for clarity, the terms “search” and “seizure” were concisely summarized in the majority opinion to *United States v. Jacobsen*, 466 U.S. 109 (1984), which declared that Fourth Amendment, “protects two types of expectations, one involving 'searches', the other 'seizures'. A *search* occurs when an expectation of privacy that society is prepared to consider reasonable is infringed. A *seizure* of property occurs where there is some meaningful interference with an individual's possessory interests in that property.” According to these understandings, when law enforcement, without notice, raid a homeless encampment and usurp—and often destroy—homeless people's belongings, including basic government documents and identification, the city is infringing homeless people's civil rights.

During property raids, homeless people's government-issued documents are often confiscated, documents that are necessary for employment applications, housing applications (including entrance into Housing First programs), travel, and identity verification. In December of 2014, homeless provider agencies reported that of 540 homeless people were listed as potentially eligible for the state or city's Housing First programs, only 62 had a picture ID that proving their identity and granting admittance into the program. Thus, 478 homeless families and individuals can't clear the first hurdle to getting into housing. Additionally, it was reported in July of 2014 in *Civil Beat* that our state's jails are destroying homeless people's ID cards, purportedly because of “liability concerns.” It can take months to replace ID cards and cost up to \$100 or more to replace government documents, including those necessary to re-obtain an ID. The Department of Public Safety's own mental health administrator, Mark Mitchell, said that homeless people's ID cards are being discarded regularly, telling *Civil Beat* that homeless people's identification cards are being tossed unless he calls and specifically requests a waiver for a mentally ill inmate, further claiming that about one-third of all the inmates he sees for mental health issues are homeless. Once released, these mental health patients are unable to get medical assistance because those services often require an ID.

In effect, we're forcing homeless people into a pernicious cycle. To replace a state ID, a homeless individual has to get a social security card. To get a social security card, however, they have to have a identification and state documents that require identification for obtainment. Birth certificates, for example, often must be notarized. Notarization requires ID. In Hawaii, we already allow attorneys to obtain birth certificates for clients. Physician-signed medical records, too, can sometimes be used to document a person's ID. Thus, the approach taken by this bill of allowing legal, medical, and advocacy professionals to help the homeless regain basic documents is merely an innovative expansion of existing practices and values.

We encourage you to pressure city officials to stop stealing people's government-issued identification. In light of the continuance of such theft, however, we urge you to pass this bill allowing homeless persons to replace civil identification cards free of charge. That said, we note that Senate Bill 273, passed and signed into law last year, required the Director of Transportation's rules to compel the examiner of drivers to waive all fees for original or renewal

identification cards for houseless individuals upon verification of their homeless status. Section 2 of SB 273 reads in part: “SECTION 2. Section 286-309, Hawaii Revised Statutes, is amended to read as follows:

“~~[[[§286-309]]]~~ **Rules.** For the purpose of carrying out this part, the director, pursuant to chapter 91, shall adopt rules including rules assessing reasonable fees for the services provided under this part. The rules shall [authorize]:

(1) Authorize the examiner of drivers to waive any fee in cases of extreme hardship and provide criteria for determining whether a waiver is warranted[.]; and

(2) Direct the examiner of drivers to waive all fees for the issuance of an original or renewal identification card for any individual who is homeless; provided the individual's homeless status is corroborated by a verification letter issued by a homeless service provider.”

Therefore, this bill’s contents, while worthy, may be duplicative. If your committee finds that DOT has failed to adopt rules implementing SB 273’s mandate, however, then this bill is not only necessary, but urgent.

Mahalo for the opportunity to testify in support of this bill.

Sincerely,  
Kris Coffield  
*Executive Director*  
IMUAlliance

Edward Thompson, III

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 02, 2016 2:32 AM  
To: HUS testimony  
Cc: starmer@hawaii.edu  
Subject: \*Submitted testimony for HB1606 on Feb 2, 2016 09:00AM\*

**LATE**

**HB1606**

Submitted on: 2/2/2016

Testimony for HUS on Feb 2, 2016 09:00AM in Conference Room 329

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kaelan	Individual	Support	No

Comments:

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