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TESTIMONY IN SUPPORT OF HOUSE BILL 2639

A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE

COMMITTEE ON CONSUMER PROTECTION AND
COMMERCE

Rep. Angus L.K. McKelvey, Chair
Rep. Justin H. Woodson, Vice Chair

Monday, February 22, 2016, 2:30 p.m.
State Capitol, Conference Room 325

Honorable Chair McKelvey, Vice-Chair Woodson, and Members of the Committee on Consumer Protection and Commerce, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 2639.

This measure requires a wireless telecommunications service provider, upon request by a domestic abuse victim, to: (1) transfer billing authority and all rights to a wireless telephone number to the victim; or (2) remove or release the victim from a shared wireless plan and assign the victim a substitute telephone number without charge, penalty, or fee. Provides that there is no cause of action against a wireless telecommunications service provider, its officers, employees, or agents for transferring billing authority and all rights to a wireless telephone number to a domestic abuse victim.

Victims of domestic violence often find themselves struggling to escape their abusive situations. Access to an independent wireless phone and service, along with a voice mailbox, can help victims rebuild their lives by giving them the means to communicate with family, friends, agency and shelter support staff, and current or prospective employers.

Although wireless service providers do permit cancellation or removal of phone numbers or phones from a shared plan, this often comes with substantial fees and charges. This Bill addresses that problem head-on by allowing victims, with appropriate documentation, to be released from the wireless plan free of charge.

For these reasons, the Office of the Prosecuting Attorney, County of Hawai'i supports the passage of House Bill No. 2639. Thank you for the opportunity to testify on this matter.

Justin F. Kollar
Prosecuting Attorney

Jennifer S. Winn
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

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TESTIMONY IN SUPPORT
HB 2639 – RELATING TO DOMESTIC VIOLENCE

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

House Committee on Consumer Protection & Commerce
February 22, 2016, 2:30 p.m., Conference Room 325

Chair McKelvey, Vice Chair Woodson, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, SUPPORTS HB 2639 – Relating to Domestic Violence.

This measure requires a wireless telecommunications service provider, upon request of a domestic abuse victim, to transfer billing authority and rights to a wireless telephone number to the victim or to remove or release the victim from a shared wireless plan and assign that person a new number without charge, penalty or fee.

Victims of domestic violence often struggle to escape from their abusers. Abusers often seek to maintain and exert control over their victims by controlling the essential mechanisms of daily life, such as access to private communications and cell phones.

Wireless service providers do permit cancellation of plans and numbers under certain circumstances, but this often comes at a substantial cost to the victim; these costs are often burdensome and prohibitive under the circumstances.

Accordingly, we SUPPORT HB 2639. We request that your Committee PASS the Bill.

Thank you very much for the opportunity to provide testimony on this Bill.



February 22nd, 2016

Joyce Masamitsu
Director, Public Policy
Pacific and North Central Markets
HQ Public Policy, Law and Security

The Honorable Angus McKelvey
Chair, House Committee on Consumer Protection
Hawaii State Capitol
Room 325
Honolulu, HI 96813

RE: HB 2639 – Domestic Abuse Victim – In Support

Dear Chair McKelvey and Committee Members,

On behalf of Verizon, I submit this testimony in SUPPORT of House Bill 2639. This legislation provides liability protections for wireless service providers to transfer billing authority to a victim of domestic violence, at their request, and to release them without penalty from a shared wireless plan. Additionally, HB 2639 allows greater flexibility for service providers to complete the transfer and provisioning of service for a victim of domestic violence with a 48 hour period. For a detailed explanation of the bill amendments, please see the attached description.

Verizon appreciates Chair Morikawa's willingness to work in cooperative effort with the wireless industry, to provide assurances that a service provider's desire to assist survivors of domestic violence in their time of need, does not place companies at unnecessary risk of litigation for simply doing the right thing.

Verizon has long been recognized as a philanthropic leader providing support to survivors of domestic violence. Through our HopeLine Program, Verizon supports the efforts of domestic violence organizations and agencies to prevent domestic violence; to educate communities on cultivating healthy relationships; and to empower victims and survivors with resources and tools to rebuild and succeed.

Through HopeLine, we aim to prevent, educate and empower.



HopeLine provides ways for individuals to take action against domestic violence by donating no-longer-used wireless phones, batteries, chargers and accessories in any condition, from any service provider. Verizon turns these resources into support for domestic violence organizations and programs nationwide.

Since its launch in October 2001, HopeLine has collected more than 11.4 Million phones nationwide. Verizon also donates wireless phones, complete with voice and text capabilities, to local domestic violence shelters and non-profit organizations and agencies for use by victims and survivors. These phones serve as a vital link to support services and provide a safe line of communication to family, loved ones and employers. Through HopeLine, Verizon has donated over 190,000 phones to domestic violence victims and survivors across the country.

Additionally, through HopeLine, Verizon has awarded over \$24 Million in cash grants to worthy non-profit organizations and agencies in recognition of their commitment to support victims of domestic violence. HopeLine supports programs and initiatives across the nation that aim to end the domestic violence epidemic by promoting community awareness and educating our youth to "break the cycle" of domestic violence.

This is Verizon's commitment to help the 1 in 3 women, 1 in 4 men and more than 3 million children in the United States impacted by domestic violence.

Verizon has also awarded grants and resources to many organizations and agencies in Hawaii that provide direct assistance to victims of domestic violence. In the past six years alone, the Verizon Foundation, including our HopeLine program, has donated over three hundred thousand dollars in cash grant awards and in-kind giving of phones and wireless service to Hawaii organizations. Domestic Violence is one of Verizon's pillars for philanthropic giving. Our goal to support community outreach and education programs of local non-profits, and to help survivors to not only cope and recover but to empower them to thrive in a new life they build for themselves by providing them with the tools they need to succeed.

For the above reasons, Verizon respectfully requests Chair McKelvey and Committee members to PASS HB 2639.

Thank you for the opportunity to provide written testimony on this measure.

A handwritten signature in cursive script that reads "Joyce Masamitsu".

Joyce Masamitsu



Explanation of H.B. 2639 Relating to Wireless Telecommunications Service

Act 219, Session Laws of Hawaii 2015, amended Chapter 586 (Domestic Abuse Protective Orders), to authorize the family court to issue an order requiring a wireless telecommunications service provider, without charge, penalty, or fee, to:

- Transfer billing authority and all rights to the wireless numbers of a shared wireless plan to a petitioner who has been granted the order, if the petitioner is not the account holder; or to another person, acting as the petitioner, serving as the account holder on behalf of the protected person, who is not the protected party named in the order; or
- Remove or release a petitioner from a shared wireless plan and assign a substitute telephone number or numbers.

The amendment to Chapter 586, provides that a cause of action shall not lie against any wireless telecommunications service provider for actions taken pursuant to the terms of the court order.

The proposed bill conforms the remedies proposed in amendments to section 586-5.8, HRS, and section 269-16.93, HRS, relating to the transfer of billing authority and rights to wireless numbers for victims of domestic violence.

The proposed bill provides that a person, who has submitted in writing, with documented evidence of domestic violence, an opt-out request to a wireless telecommunications services provider, shall be released, without charge, penalty, or fee, from a shared or family wireless service contract. It provides, as in section 586-5.8, HRS, that the wireless telecommunications service provider shall, within 48 hours:

- Transfer the billing authority and all rights to the telephone number or numbers of the shared wireless plan to the person who has been granted the release; or
- Remove or release the person who has been granted the release, from the shared wireless plan and assign a substitute telephone number or numbers.

The proposed bill also amends section 269-16.93, HRS, to provide that a cause of action shall not lie against any wireless telecommunications service provider for actions taken relating to the transfer of billing authority or rights to wireless telephone number or numbers.

The proposed bill deletes an ambiguity in section 269-16.93, which requires that a telecommunications service provider shall provide a “substitute or new phone number or alternative telecommunications service,” but does not define “alternative telecommunications service.” The Hawaii Supreme Court has ruled that:



“When there is doubt, doubleness of meaning, or indistinctiveness or uncertainty of expression used in statute, ambiguity exists, and statute is ambiguous if it is capable of being understood by reasonably well-informed people in two or more different senses.” (85 Haw. 61)

The proposed bill also includes the provision that a cause of action shall not lie against any wireless telecommunications service provider for actions related to the transfer of the billing authority and rights to the wireless telephone number or numbers, similar to the exemption contained in section 586-5.8.

H.B. 2639 replaces the definition of “domestic violence,” defined in section 321-471, as “ physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse or malicious property damage between family or household members,” with the definition of “domestic abuse,” defined in section 586-5.8 as “(1) physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse or malicious property damage between family or household members; or (2) any act which would constitute an offense under section 709-906, or under part V or VI of chapter 707 committed against a minor family or household member by an adult family or household member.” This makes it so the definition of “domestic abuse” is the same in both sections amended by Act 219.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 19, 2016 1:41 PM
To: CPCtestimony
Cc: brenda.coleman@sprint.com
Subject: *Submitted testimony for HB2639 on Feb 22, 2016 14:30PM*

HB2639

Submitted on: 2/19/2016

Testimony for CPC on Feb 22, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Brenda M. Coleman	Sprint	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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February 22, 2016

The Honorable Angus L.K McKelvey
Chair, Consumer Protection and Commerce
Room 320
Hawaii State Capitol
Honolulu, HI 96813

RE: HB 2639 – Domestic Abuse Survivor – In Support

Dear Chair McKelvey, Vice Chair Woodson and Committee Members,

On behalf of AT&T, I submit this written testimony in SUPPORT of House Bill 2639. This bill provides necessary liability protection for wireless service providers to transfer the wireless number of a survivor of domestic violence, at their request, and to release the survivor without penalty from a shared wireless plan. HB 2639 also gives wireless service providers a reasonable timeframe (48 hours) to complete the transfer and provisioning of service for the survivor of domestic violence.

AT&T appreciates the work of the sponsor, Representative Dee Morikawa, and her willingness to work with the wireless industry to address their concern about the lack of liability protection for the wireless service providers while they are complying with the law and assisting the survivor of domestic violence during a critical time.

The safety and well-being of our customers is of utmost importance to AT&T and we work with our customers during times of need, including the survivors of domestic violence. AT&T has a long history of working with organizations that assist survivors of domestic violence and fully supports the goal of the law – to ensure that survivors of domestic violence are able to modify their wireless phone service and no longer allow the abuser to access information about calls and account activity.

AT&T respectfully asks Chair McKelvey, Vice-Chair Woodson, and members of Consumer Protection and Commerce to PASS HB 2639.

Respectfully submitted,

Bob Bass

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 22, 2016 6:25 AM
To: CPCtestimony
Cc: blawaiianlvr@icloud.com
Subject: *Submitted testimony for HB2639 on Feb 22, 2016 14:30PM*

HB2639

Submitted on: 2/22/2016

Testimony for CPC on Feb 22, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	No

Comments:

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VIA ELECTRONIC SUBMISSION

February 2016

The Honorable Angus L.K. McKelvey, Chair
The Honorable Justin H. Woodson, Vice Chair
House Committee on Consumer Protection and Commerce
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: HB 2639, Relating to Wireless Telecommunications Service
Monday, February 22, 2016 at 2:30 p.m.
Conference Room 325

Dear Chair McKelvey, Vice Chair Woodson, and Members:

I am in support of HB 2639, which makes amendments to section 269-16.93 of the Hawaii Revised Statutes.

The bill requires a wireless telecommunications service provider (provider) that has received an opt-out request in writing and with proper evidence from a domestic abuse victim, within forty-eight hours from the time the opt-out request is submitted to the provider, to transfer the billing authority and all rights to a wireless telephone number to the victim, or remove or release the victim from a shared wireless plan and assign the victim a substitute telephone number or numbers, without charge, penalty, or fee.

The measure also provides protection from liability for providers, its officers, employees, or agents for transferring billing authority and rights to the wireless telephone number or numbers pursuant to section 269-16.93 of the Hawaii Revised Statutes.

This bill would provide needed help to victims of domestic abuse, while also protecting providers who help by providing these assurances and kind of assistance to victims when necessary.

Thank you for allowing me to testify.

Sincerely,

Traci Toguchi