



**WRITTEN TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-EIGHTH LEGISLATURE, 2015**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 58, H.D. 1, S.D. 1, RELATING TO PROTECTIVE ORDERS.

**BEFORE THE:**

SENATE COMMITTEE ON WAYS AND MEANS

**DATE:** Thursday, April 2, 2015

**TIME:** 9:00 a.m.

**LOCATION:** State Capitol, Room 211

**TESTIFIER(S): WRITTEN TESTIMONY ONLY.**

(For more information, contact Liane Moriyama, Administrator, or Laureen Uwaine, Assistant Administrator, at 587-3110)

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**Chair Tokuda and Members of the Committee:**

The Department of the Attorney General supports this bill, as amended in S.D. 1.

This version of the bill establishes a protective order card pilot program under the Honolulu Family Justice Center of the Department of the Prosecuting Attorney of the City and County of Honolulu. The purpose of the protective order card pilot program is to issue protective order cards to holders of long-term protective orders issued by the courts in the first circuit to allow law enforcement to quickly verify the existence of the order and easily obtain information regarding the order.

We respectfully ask the Committee to pass this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE JILL N. TOKUDA, CHAIR  
SENATE COMMITTEE ON WAYS AND MEANS  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawai`i**

April 2, 2015

**RE: H.B. 58, H.D. 1, S.D. 1; RELATING TO PROTECTIVE ORDERS.**

Chair Tokuda, Vice Chair Kouchi and members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support, with suggested amendments regarding H.B. 58, H.D. 1, S.D. 1.

Overall, the Department strongly supports this bill, which would provide a means for responding law enforcement officers to quickly ascertain all necessary information about long-term protective orders, which helps to provide increased protection for victims.

The Department's suggested amendments include the following:

1. Because this is being proposed as a pilot project, and given the amount of time and resources it may take to produce each protective order card, we respectfully ask that the applicable protective orders be limited to those effective for a period of **one year or more** (see page 3, line 22, and page 4, line 2). Once the pilot project is implemented and proves to be successful, everyone involved will likely have better perspective and experience upon which to determine the most effective ways to expand the program, with great potential for implementation on neighbor islands.
2. Because this is a pilot program, the Department requests that the protective order card pilot program apply only to protective orders issued by the Family Court of the First Circuit and exclude orders against harassment issued by the District Court of the First Circuit. The reference to section 606-10.5 in Section (7) (e) should be deleted and all references to the "First Circuit" should be modified to the "Family Court of the First Circuit."
3. Section (c) (4) of the bill requiring that the terms of the long term protective order be included on the card should be deleted. The protective order card will be similar in size and

shape to a credit card. In many instances, the terms and conditions of a long term protective order are detailed and lengthy and all of the terms of the protective order may not fit on the card. Abbreviating the terms to fit on a protective order card may result in confusion and inconsistencies with the original protective order.

4. The Department requests the amount of \$\_\_\_\_\_ to fund the protective order card pilot program for fiscal year 2015-2016.

For all of the foregoing reasons, the Honolulu Prosecuting Attorney supports the passage of H.B. 58, H.D. 1, S.D. 1, with the suggested amendments. Thank you for the opportunity to testify on this matter.

*Hawaii Family Law Clinic, dba*



March 31, 2015

TESTIMONY FOR HB58 HD1 SD1

Good morning Chair Tokuda, Vice-Chair Kouchi, members of the Senate Ways and Means Committee, I am Po'okela Ahmad, representing the Hawaii Family Law Clinic also known as Ala Kuola. We strongly support HB58 HD1 SD1 with the following comments.

The proposed program addresses several common problems inherent in the current procedures that are in place by establishing a "protective order card pilot program".

First, victims of domestic violence rarely have a copy of their Order for Protection in their possession all the time. The "protective order card" will provide a card that will be the size of a credit card, making it easy to carry in a person's pocket, wallet or purse.

Second, over time the Order for Protection becomes unreadable due to wear and tear. The "protective order card" is made of durable and water resistant materials to prevent wear and tear damage.

Third, if the Order for Protection is from another jurisdiction, it may be unrecognizable. The "protective order card pilot program" features and design allows it to be universally recognized by law enforcement in any jurisdiction by presenting the same the Attorney General's office in that jurisdiction.

Fourth, law enforcement officers in the field may be uninformed when it comes to Full Faith and Credit. The "protective order card" allows someone who is granted an Order for Protection in one jurisdiction to easily prove it in another jurisdiction.

Fifth, verifying that the respondent in the Order for Protection is indeed the violator of the Order. The “protective order card” allows for easy verification of the respondent as the violator.

Finally, if the Order for Protection is not in the NCIC, the “protective order card” lets law enforcement know that there is valid, permanent Order for Protection in place.

This program has been successfully implement in several States, in particular Montana and Idaho at minimal cost in relation to the benefit provided to victims of domestic abuse. Additionally, the applicant can submit the required documentation for issuance of the “protective order card” online or by actually physically presenting the request to the Attorney General’s Office.

Based upon information we received from Montana Department of Justice, we believe the cost for the hardware to be nominal:

The Montana Department of Justice lists the following start up costs:

Technical Contract :

Costs to develop and house statewide Protective Order Card Project:

Requirements Gathering:	\$10,000.00
Interface to Images:	\$15,000.00
NCIC Interface:	\$10,000.00
Broker to database:	\$15,000.00
Web services for victims:	<u>\$10,000.00</u>
Total:	\$60,000.00

Protective Order Card System:

SP75 Duplex Printer w/lamination	-	\$ 6,395.00
Tru-Photo Capture Station	-	\$ 1,795.00
IDWorks Enterprise Software	-	<u>\$ 2,745.00</u>
Total:		\$10,935.00

Supplies:

YMCKT Ribbon (250 2-sided cards)	-	\$ 212.50 each
Secure Holographic Laminate (350 cards)	-	\$ 115.50 each
HC Blank Card Stock (proprietary) 500 cards per box	-	\$ 110.00/box

Installation & Operator Training

It is our understanding that the above stated costs were for the development of a statewide system. The costs for establishing the “protective order card pilot program” should be significantly less, as it will initially be implemented only in the City and County of Honolulu.

I thank the Committee for the opportunity to present our position on HB58 HD1 SD1 and am ready to address any questions that the Chair, Vice-Chair and Committee members may have.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [breaking-the-silence@hotmail.com](mailto:breaking-the-silence@hotmail.com)  
**Subject:** \*Submitted testimony for HB58 on Apr 2, 2015 09:00AM\*  
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**HB58**

Submitted on: 3/31/2015

Testimony for WAM on Apr 2, 2015 09:00AM in Conference Room 211

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

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