



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

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Friday, February 27, 2015

TIME: 1:30 p.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): Russell A. Suzuki, Attorney General, or
Liane Moriyama, Administrator, Hawaii Criminal Justice Data Center, or
Randall Nishiyama, Deputy Attorney General

Chair Luke and Members of the Committee:

The Department of the Attorney General does not support this bill.

This bill establishes the Hawaii Hope Card program within the Department of the Attorney General to issue Hope Cards upon request to those holding a long-term protective order, with specified relevant information about the protective order and all covered parties reflected on the card. In addition, this bill appropriates funds for the program's operations.

We believe that rather than having the Hope Card program established with the Department of the Attorney General, it should be established within the Judiciary. The long-term protective orders are granted and issued by the Judiciary so it would be more expeditious for the protected party to obtain the Hope Card at that time rather than being inconvenienced by having to go to another agency or department.

As with current temporary restraining order/protective order processing, the Judiciary enters information regarding the orders into CJIS-Hawaii, the criminal justice information system in Hawaii, which is merely the conduit to the Federal Bureau of Investigation for the National Protection Order File. CJIS-Hawaii could be modified to capture the fact that a Hope Card was issued for a particular case. Information in CJIS-Hawaii and the National Protection Order File is already accessible by law enforcement personnel 24 x 7, 365 days a year, and, therefore, the proposed subsections (b) and (c), on page 5, lines 1-10, are not necessary.

We respectfully ask the Committee to consider amending the bill to move the Hope Card program to the Judiciary.



HINA'EA: A PLACE FOR HEALING

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February 25, 2015

My name is Cheryl Y. Yamaki. I am the Executive Director for Hina'ea: A Place for Healing and am also a Family Court attorney. I am writing in support of H.B. 58 H.D. 1 (Hawaii Hope Card Program).

I have been a practicing attorney in Family Court since 1998 and have helped hundreds of survivors with their Temporary Restraining Order, Order to Show Cause Hearings. Currently, the Order for Protection is a seven page document that survivors must carry on them at all times in case there's a violation. You can tell after a month or two that the paper has been put through the proverbial ringer. The paper is often dirty, torn, or you can tell it has gotten wet and the ink has faded. Oftentimes, survivors will not carry the Order for Protection because its bulkey and cumbersome. If the children are on the Order for Protection, I have suggested that the children be given a copy to carry with them in case of a violation. My clients have routinely told me that they are afraid that their children will lose the document or will damage it to the point where it is unable to read.

Having a card that a survivor can carry instead of a seven page document would be a blessing and would ensure that the survivor has the protection on her at all times. A card would be more durable and would not provide the same challenges a bulky document would.

Should you have any questions, please feel free to contact me at 554-4476. Thank you for your attention in this matter.

From: mailinglist@capitol.hawaii.gov
Sent: Friday, February 27, 2015 9:11 AM
To: FINTestimony
Cc: malcover@cfs-hawaii.org
Subject: *Submitted testimony for HB58 on Feb 27, 2015 13:30PM*



HB58

Submitted on: 2/27/2015

Testimony for FIN on Feb 27, 2015 13:30PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa Alcover	Individual	Support	No

Comments:

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HB58

Submitted on: 2/26/2015

Testimony for FIN on Feb 27, 2015 13:30PM in Conference Room 308

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

Comments: Good afternoon Representatives, and my apologies for the submission of this Late Testimony. With your support the Hope Card will be a convenient, discreet and cost-effective tool for all involved with long-term protective orders. Protective Orders (POs) typically consist of multiple pages and holders are instructed to have a copy on them at all times in the event that the need arises; over time (we're talking years) the quality of a Protective Order carried in one's purse is typically compromised so unless the holder is diligent in recopying as needed, the readability of the document can be problematic for responding officers. More often, long-term PO holders become frustrated with the bulk of keeping the PO in their purses so they remove them for convenience sake, which becomes problematic when the PO is unexpectedly needed. Most holders will make multiple copies of their POs and keep them in the car, in their desk/locker at work, with their other court-related papers, etc. all of which requires "excavation" in a time of panic and can be embarrassing when stumbled upon by a third party (ie: car passenger, coworker, etc.) The Hope Card would eliminate all of this which will be less frustrating for both card holders and law enforcement. Thank you for this opportunity to provide testimony IN SUPPORT of HB58. Respectfully, Dara Carlin, M.A. Domestic Violence Survivor Advocate

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