



**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, RELATING TO PROTECTIVE ORDERS.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY AND LABOR

**DATE:** Monday, March 16, 2015

**TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Liane Moriyama, Administrator, Hawaii Criminal Justice Data Center, or  
Laureen Uwayne, Assistant Administrator, Hawaii Criminal Justice Data Center

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Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General supports the concept of 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.

Rather than having the Hope Card program established within the Department of the Attorney General, it should be established within the Honolulu Family Justice Center and focus initially on protective orders issued in Family Court, First Circuit. This has been discussed with the Honolulu Family Justice Center and they are agreeable to overseeing the program.

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 the conduit to the Federal Bureau of Investigation (FBI) 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 our comments and amend the bill to establish the Hope Card program within the Honolulu Family Justice Center.

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

**LATE TESTIMONY**

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**THE HONORABLE GILBERT S.C. KEITH-AGARAN, CHAIR**  
**SENATE COMMITTEE ON JUDICIARY AND LABOR**  
**Twenty-Eighth State Legislature**  
**Regular Session of 2015**  
**State of Hawai`i**

March 16, 2015

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

Chair Keith-Agaran, Vice-Chair Shimabukuro, and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney submits the following testimony in support of H.B. 58, H.D. 1.

H.B. 58, H.D.1 proposes to establish the Hawaii HOPE Card program, which is designed to assist victims who have received a Protective from the Family Court under Hrs Chapter 586 or District Court under HRS Section 604-10.5 in obtaining police enforcement of those orders. Obtaining and enforcing a Protective Order can be a tedious and frustrating process. One difficulty that virtually all of these victims face is having to constantly carry a certified copy of their Protective Order on their person. As important as having this document may be, it is often impractical, especially when victims are working or in transit from one location to another, to have the hard copy of the order conveniently available. The issuance of the Proposed Hope Card would provide instant documentation to law enforcement that a valid order is in effect and can provide the appropriate data necessary for a police officer to access the full information from various law enforcement databases. This convenient alternative method of carrying your documentation with you is a benefit to both a reporting victim and law enforcement. Our Department stands ready to assist in the development and implementation of this important innovation for providing victim safety.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports H.B. 58, H.D. 1. Thank you for this opportunity to testify on this bill.

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDL Testimony](#)  
**Cc:**  
**Subject:** \*Submitted testimony for HB58 on Mar 16, 2015 09:30AM\*  
**Date:** Monday, March 16, 2015 11:07:31 AM

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**HB58**

Submitted on: 3/16/2015

Testimony for JDL on Mar 16, 2015 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	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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Hawaii Family Law Clinic, dba



### TESTIMONY FOR HB 58 HD 1

Good morning Chair Keith-Agaran, Vice-Chair Shimabukuro, members of the Senate Judiciary and Labor Committee, I am Edwin Flores, the Executive Director for the Hawaii Family Law Clinic also known as Ala Kuola. We strongly support HB 58 HD 1 with the following comments.

The proposed program addresses several common problems inherent in the current procedures that are in place.

First, victims of domestic violence rarely have a copy of their Order for Protection in their possession all the time. The Hope Card is 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 Hope 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 verify that there is a legal Order for Protection in place. The Hope Card's features and design allows it to be universally recognized by law enforcement in any jurisdiction by presenting the same to 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 Hope 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 Hope Card allows for easy verification of the respondent as the violator.

Finally, if the Order for Protection is not in the NCIC, the Hope 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 card online or by actually physically presenting the request to the respective Attorney General's Office.