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STATE OF HAWAII
**CRIME VICTIM COMPENSATION
COMMISSION**

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TESTIMONY ON SENATE BILL 2318 SD 1
RELATING TO ADDRESS CONFIDENTIALITY

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

Senate Committee on Ways and Means
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair

Wednesday, February 24, 2016; 1:00 PM
State Capitol, Conference Room 211

Chair Tokuda, Vice Chair Dela Cruz, and Members of the Senate Committee on Ways and Means,

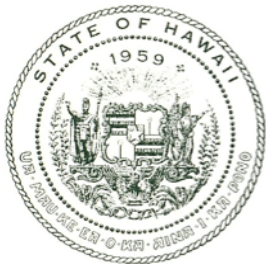
Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in strong support of Senate Bill 2318 SD 1 relating to address confidentiality.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission.

During the legislative recess, the Commission was part of a working group led by the Commission on the Status of Women that collaboratively created a draft of an address confidentiality bill to address the concerns that were raised during the last legislative session. The Commission supports the creation of an address confidentiality program that would provide victims of domestic violence, sexual assault, and stalking with another safety planning tool. The working group is speaking with other agencies about the placement of the program and is hopeful to have an answer soon as to which department/agency will administer the program. Additionally, the working group is willing to continue working on the draft to address concerns or issues.

Thank you for providing the Commission with the opportunity to testify in strong support of Senate Bill 2318 SD 1.

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

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February 24, 2016

To: Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair
Members of the Senate Committee on Ways and Means

From: Cathy Betts
Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in Support, SB 2318, SD1, Relating to Address
Confidentiality

Thank you for this opportunity to testify in strong support of SB 2318, SD1, which would establish an address confidentiality program for victims of domestic violence, sexual assault, and stalking. This program would assist victims by allowing them to use a substitute legal address in place of their physical address. Additionally, this bill would provide for a mail forwarding system for program participants, so that perpetrators of violence will not be able to seek out and find victims' physical addresses.

More than 30 other states in the nation have enacted and successfully implemented address confidentiality programs. The program originated in Washington in 1991. Lawmakers saw a need for victims to remain safe, yet still be accessible for service of process, child support enforcement, voting and drivers license registration, etc.

It has become increasingly simple for abusers to find their victims. Abusers often become quite capable of using public data to find information on their victims. In cases of domestic violence, sexual assault, and stalking, this entails the intensive use of people search engines, impersonation, stealth use of public resources, using social media profiles, etc. Finally, courts often request this information of victims in custody and protective order proceedings. If a victim is pro se, does not understand the court system, is intimidated by the process or has limited English proficiency (LEP), it is increasingly difficult for a victim to protect her confidential location.

Other states that have successfully implemented address confidentiality programs see the programs as vital to protecting victims of violence. However, the programs are most successful when government agencies communicate and collaborate with victim service agencies to make victims' safety and privacy a priority. The Commission urges the passage of SB 2318, SD1.

Thank you for this opportunity to testify.

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**THE HONORABLE JILL N. TOKUDA, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai`i**

February 24, 2016

RE: S.B. 2318S.D.1; RELATING TO ADDRESS CONFIDENTIALITY.

Chair Tokuda, Vice-Chair Dela Cruz, members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of S.B. 2318, S.D.1, with amendments.

The purpose of S.B. 2318, S.D.1 is to establish an Address Confidentiality Program for victims of domestic violence, sexual assault, and stalking. We strongly endorse such a program and see significant benefits for the victims in the cases that our Department prosecutes. We are familiar with and have cooperated with similar programs in other states and have had victims who participate in those programs tell us that this is the type of resource that Hawaii victims of domestic violence and sexual assault desperately need. However we join with other testifiers in requesting needed amendments to this measure so that it can effectively achieve the benefits that it is designed to create. We defer to the working group members for the specifics of the amendments needed to make this measure effective.

For the reasons stated above, the Department of the Prosecuting Attorney of the City and County of Honolulu supports S.B. 2318, S.D.1, with amendments. Thank you for the opportunity to testify on this matter.



February 24, 2016

To: Senator Jill Tokuda, Chair
Senator Donovan Dela Cruz, Vice Chair and
Members of the Committee on Ways and Means

From: Jeanne Y. Ohta, Co-Chair

RE: SB 2318 SD1 Relating to Address Confidentiality
Hearing: Wednesday, February 24, 2016, 1:15 p.m., Room 211

POSITION: Strong Support

The Hawai'i State Democratic Women's Caucus writes in strong support of SB 2318 SD1 Relating to Address Confidentiality which would establish an address confidentiality program for survivors of domestic violence, sexual assault, and stalking. This measure would provide a life-saving tool by allowing survivors to use a substitute legal address in place of their physical address. Additionally, it would provide for a mail forwarding system so that their physical address would remain confidential.

We support the amendments proposed by the Hawai'i State Commission on the Status of Women which were added to the bill in SD1.

Thirty-six other states in the nation have implemented address confidentiality programs. Violent partners are very resourceful and determined to harm their victims; the availability of search engines, social media, and other on-line resources have made it easier to discover personal information.

This confidentiality program will help to keep vulnerable women and children safe from their abusers. We urge the committee to pass this measure.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls. Thank you for the opportunity to provide testimony.



TO: Chair Tokuda, Vice Chair Dela Cruz, and Members of the Senate Committee on Ways and Means
Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Senate Committee on Judiciary and Labor
FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)
DATE/LOCATION: February 24, 2016; 1:00 p.m., Conference Room 211

RE: TESTIMONY IN STRONG SUPPORT OF SB 2318 – RELATING TO ADDRESS CONFIDENTIALITY

I strongly urge you to support SB 2318 – Relating to Address Confidentiality. Every year in the United States, 12 million people (24 people per minute) become victims of rape, physical violence, or stalking by an intimate partner. 76% of the women who were killed by intimate partners and 85% of women who survive homicide attempts are stalked prior to the incident. Attempting to escape from an abusive relationship is one of the most dangerous periods the victim goes through as they put themselves and close ones at risk of encountering the perpetrator.

Establishing confidentiality of location is essential to ensure the safety of the survivor and those around them. The propositions of this bill will provide victims and survivors protection from further harm of the perpetrator, and will act as support to their healing processes. Survivors have the right to protection in these dire situations and it is to the authority to make these services available to them.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 18,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 16 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, child and adolescent behavioral health programs, and community building programs.

Thank you for the opportunity to testify in **strong support of SB 2318**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.



February 23, 2016

To: Hawaii State Senate Committee on Ways and Means
Hearing Date/Time: Wednesday, February 24, 2016 (1:00 p.m.)
Place: Hawaii State Capitol, Rm. 211
Re: Testimony of American Association of University Women –
Hawaii in **support of S.B. 2318**, relating to address
confidentiality

Dear Senator Jill N. Tokuda (Chair), and Senator Donovan M. Dela Cruz (Vice Chair),
and Members of the Committee,

I am grateful for this opportunity to testify in **strong support of S.B. 2318**,
providing for address confidentiality of gender violence survivors (specifically of
domestic violence, sexual assault, and stalking, each of them, serious crimes). The ability
to use a substitute legal address is key to the safety of survivors.

My testimony is on behalf of the approximately 400 members of the American
Association of University Women (AAUW) in Hawaii, who list gender-based violence as
an important current concern.

This submission is informed by many years of work in the field of domestic
violence, and research conducted with survivors of intimate partner violence. In addition,
when I lived in New Zealand, I managed a 24-hour, 7-days/week domestic violence
hotline, and trained Advocates for Women to respond skillfully and empathetically to
survivors of violence. At many times, we worked with police, courts, and other service
agencies on behalf of survivors. At that time, New Zealand had address confidentiality,
and it was an essential strand of police and court policy for maintaining survivors' safety.
Providing this service for victims of violence is important since the ultimate penalty for
survivors who are located by violent perpetrators is death or serious injury.

It should also be noted that in the USA, many other states (currently 30+) have
enacted similar types of programs since the early 1990s. Given that we now have 25
years of data indicated the success of these laws for diminishing violence towards adults
and children, the time seems ripe for moving S.B. 2318 into Hawaiian law. Plus, the
application form should be of a straightforward nature, so that an individual may apply
for this service on her own, without requiring a lawyer.

In conclusion, passage of S.B. 2318 is an important step in improving justice for
women.

Thank you for the opportunity to testify.

Sincerely
Susan J. Wurtzburg, Ph.D.
Policy Chair



THE SEX ABUSE TREATMENT CENTER

A Program of Kapi'olani Medical Center for Women & Children

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Adriana Ramelli

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Linda Jameson

Michael P. Matsumoto

Robert H. Pantell, MD

Joshua A. Wisch

DATE: February 24, 2016

TO: The Honorable Jill Tokuda, Chair
The Honorable Donavan Dela Cruz, Vice Chair
Senate Committee on Ways and Means

FROM: The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Strong Support of S.B. 2318 S.D. 1
Relating to Address Confidentiality

Good afternoon Chair Tokuda, Vice Chair Dela Cruz, and members of the Senate Committee on Ways and Means.

The Sex Abuse Treatment Center (SATC) strongly supports S.B. 2318 S.D. 1, which would establish an address confidentiality program to help survivors of domestic violence and sexual assault relocate and keep their addresses confidential, and appropriate funds for this purpose.

Most sexual assaults are not committed by strangers, but by intimate partners, family members and acquaintances. Moreover, sexual assault often does not occur in isolation, but can be one feature of a pattern of violence and intimidation between non-strangers that also includes physical abuse and stalking. In order to ensure their own safety and the safety of loved ones, survivors are sometimes forced to relocate in order to avoid further actual or threatened violence.

Unfortunately, modern search technologies and access to public records make it easy for perpetrators to find survivors' new addresses. This places survivors in harm's way and can complicate the difficult task of recovering from the trauma of sexual assault.

By providing survivors the means to shield their actual locations through the use of substitute addresses, and by penalizing unauthorized disclosures of actual address information, S.B. 2318 S.D. 1 allows the State of Hawai'i to send a strong message reaffirming that survivors have a right to privacy and safety. In addition, S.B. 2318 S.D. 1 represents an opportunity to place Hawai'i on equal footing with 36 other states that have already enacted address confidentiality programs.

By ensuring that survivors of sexual assault who are forced to relocate to escape their attackers are able to enjoy the security and peace of mind that is due to them, your support of S.B. 2318 S.D. 1 is a powerful reaffirmation of the State of Hawai'i's commitment to protect its citizens from offenders of violent crime.

hscadv



HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

February 22, 2016

To: Senate Committee on Ways and Means
Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair

From: Michelle Rocca, Training and Technical Assistance Director
Hawaii State Coalition Against Domestic Violence

Re: Testimony in Support of SB 2318, SD1, Relating to Address Confidentiality

Good afternoon Chair Tokuda, Vice Chair Dela Cruz, and members of the committee. On behalf of the Hawaii State Coalition Against Domestic Violence we thank you for the opportunity to share our testimony in **support of SB 2318, SD1** relating to address confidentiality. Address confidentiality for victims and survivors of domestic violence is a critical aspect of planning for long term safety. Protecting the location of a person who has left a violent relationship will promote long term safety and will likely reduce harassment, stalking attempts, and the day to day anxiety a person who has relocated experiences upon terminating the relationship. HB 1900 would make it possible for program participants to utilize a mail forwarding system that protects their physical address and prevents their perpetrators from having the ability to locate their current residence.

The safety of survivors in our community has always been an absolute priority for the Hawaii State Coalition Against Domestic Violence (HSCADV). Implementing a program that helps a victim's location remain unknown will support survivor safety and has been successfully executed in as many as 30 states across the nation. In recent years it has become increasingly simple for abusers to find their victims. Abusers often utilize data and information made available to them through the use of technology and public records as a means to locate their victims. The Address Confidentiality program would provide a necessary solution to what may be a very dangerous problem for many people in our state.

We support SB 2318 SD1 with the proposed amendments attached by the Hawaii State Commission on the Status of Women, and we thank you for your consideration of this important measure.

February 23, 2016

Testimony in Support of SB2318 SD1, Relating to Address Confidentiality

To: Senator Jill N. Tokuda, Chair
Senator Donovan M. Dela Cruz, Vice Chair
Members of the Senate Committee on Ways and Means

From: Fawn Jade Koopman, Esq.

Re: Testimony in Support of SB2318 SD1, Relating to Address Confidentiality

I would like to thank this committee for the opportunity to provide testimony in strong support of SB2318 SD1 establishing an Address Confidentiality Program (“ACP”). This measure enables survivors of domestic violence, sexual assault, and stalking to relocate and maintain a confidential physical address by assigning victims a substitute address, forwarding participants mail, and acting as an agent for purposes of service of legal process.

It is easier than ever for offenders to locate victims. The combination of advancing Internet technologies and court-ordered address disclosures make it more and more challenging for victims to keep their physical addresses confidential from their offenders. In some circumstances, victims are deterred from filing restraining orders, divorce complaints, custody motions, and child support enforcement agency requests if they have relocated and fear their safety will be compromised. The intent of an ACP is to protect a survivor and to reduce the risk of future harm. An ACP will also ensure survivors may obtain full access to our courts and public agencies without fear of exposure.

These are not perceived or imagined threats to victims’ safety. In 2014, a woman was sexually assaulted in her home after her offender located her as a result of an order requiring the disclosure of her address for service of process. In early 2015, a woman reported her abuser found her months after she relocated using a free online search for utility bills and the City and County of Honolulu Real Property Division website. He sat outside her home in his car. After enduring years of domestic abuse, his presence alone was a threat. A couple months ago, a woman reported her offender was able to locate her three years after she moved to a secure and confidential location. She moved again, but was afraid to register to vote, to buy a home, or to obtain a cable bill in her name. These women are among many who would benefit from an ACP in Hawaii.

Since 1991, thirty-six states enacted and successfully implemented similar legislation and launched ACP’s. At the end of last year’s legislative session a working group was formed to research ACP’s across the nation and to collaboratively draft and tailor legislation to the needs of our community. This testimony is provided to your committee to request the passage of Senate Bill 2318 SD 1, with the revisions recommended by the Hawaii State Commission on the Status of Women.

Thank you for this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: rrosa@kauai.gov
Subject: *Submitted testimony for SB2318 on Feb 24, 2016 13:00PM*
Date: Tuesday, February 23, 2016 10:02:24 AM

SB2318

Submitted on: 2/23/2016

Testimony for WAM on Feb 24, 2016 13:00PM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Rosa	Individual	Support	No

Comments:

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