

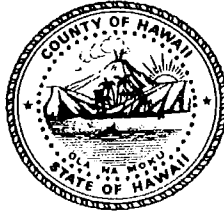
SB752

Measure Title: RELATING TO DOMESTIC VIOLENCE.
Report Title: Domestic Violence; Wireless Plans; Cellphones; Contractual Release
Description: Requires telecommunications carriers to release individuals from shared or family wireless plans, without charge, upon written request in documented instances of domestic violence.
Companion:
Package: None
Current Referral: CPN, JDL
Introducer(s): BAKER, ESPERO, GREEN

<u>Sort by Date</u>		Status Text
1/23/2015	S	Introduced.
1/26/2015	S	Passed First Reading.
1/28/2015	S	Referred to CPN, JDL.
1/30/2015	S	The committee(s) on CPN has scheduled a public hearing on 02-05-15 9:00AM in conference room 229.

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TESTIMONY IN SUPPORT OF SENATE BILL 752

A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE

COMMITTEE ON COMMERCE AND CONSUMER
PROTECTION

Sen. Rosalyn H. Baker, Chair
Sen. Brian T. Taniguchi, Vice Chair

Thursday, February 5, 2015, 9:00 a.m.
State Capitol, Conference Room 229

Honorable Chair Baker, Vice-Chair Taniguchi, and Members of the Committee on Commerce and Consumer Protection, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 752.

This measure requires telecommunications carriers to release individuals from shared or family wireless plans, without charge, upon written request in documented instances of domestic violence.

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 Senate Bill No. 752. Thank you for the opportunity to testify on this matter.

Respectfully,

Mitchell D. Roth
Prosecuting Attorney
County of Hawai'i

Justin F. Kollar
Prosecuting Attorney

Kevin K. Takata
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

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**TESTIMONY IN SUPPORT OF
SB752 – RELATING TO DOMESTIC VIOLENCE**

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

Senate Committee on Commerce and Consumer Protection
February 5, 2015, 9:00 a.m., Conference Room 229

Chair Baker, Vice Chair Taniguchi, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, **STRONGLY SUPPORTS** SB752 – Relating to Domestic Violence.

This measure requires telecommunications carriers to release individuals from shared or family wireless plans, without charge, upon written request in documented instances of domestic violence.

Victims of domestic violence frequently struggle to escape their abusers. Access to independent wireless phone and internet service, along with voicemail, can assist victims and survivors of domestic violence in rebuilding their lives by giving them access to communication with family, friends, agency, and shelter support staff, as well as current or prospective employers.

While wireless providers do allow cancellation or removal of numbers from shared plans, this comes along with substantial fees and charges. This Bill addresses that problem by allowing victims, with appropriate documentation, to avoid these onerous charges.

Accordingly, we are in **STRONG SUPPORT** of SB752. We request that your Committee **PASS** the Bill.

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

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February 3, 2015

To: Senator Rosalyn H. Baker, Chair
Senator Brian T. Taniguchi, Vice Chair
Members of the Senate Committee on Commerce and Consumer Protection

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

Re: Testimony in Support, SB 752, Relating to Domestic Violence

Thank you for this opportunity to testify in strong support of SB 752 which would allow victims of domestic violence to provide documentation of their status as a victim in order to be released from a shared cell phone contract.

Being forced to share a continued mobile contract with an abuser makes it even more difficult for a victim to leave. Abusers will often manipulate their partners through cell phones in a number of ways: abusive and harassing text messages, racking up charges on cell phones, and stalking through cell phone location are just a few. These not only have safety implications for victims but also financial implications, potentially increasing a victim's financial dependence on an abuser.

Being tied to an abuser through a joint or family contract can lead to continued harassment and abuse--abusers can track victims through GPS signals, cell phone location, and can access crucial information about their partners, including if and when they've contacted a domestic violence hotline or others for help. While it would make sense to have all telecommunications carriers change their policies, some have been more responsive than others. Legislation is needed to create uniform policy.

Finally, this bill allows for very little chance of fraud. Sufficient documentation would include a written police report detailing the abuse, a protective order from the courts, or a signed affidavit from a licensed health care provider.

The Commission supports SB 752.



February 3, 2015

To: Senator Rosalyn H Baker, Chair
Senator Brian T. Taniguchi Vice-Chair
COMMITTEE ON COMERCE AND CONSUMER PROTECTION

From: Marci Lopes, Executive Director
Hawaii State Coalition Against Domestic Violence

RE: SB 752 – STRONG SUPPORT

PLACE: Conference Room 229

DATE and TIME: Thursday, February 5, 2015 9:00 a.m.

The Hawaii State Coalition Against Domestic Violence is a statewide partnership of 21 domestic violence programs and domestic violence shelter providers. Our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

The Hawaii State Coalition Against Domestic Violence is in strong support of SB 752, which allows independence from wireless service contracts when a victim makes the difficult choice to separate from an abuser. Often, financial and contractual obligations may serve as a barrier to leaving a violent relationship as the burden of financial responsibility remains on the victim who in many cases has endured long standing economic abuse from her perpetrator.

Wireless contract cancellation fees may be substantial and not within the financial limitations a victim of domestic violence has during the termination of the relationship to the abuser. These fees amplify economic strain for domestic violence victims and further limit the access to monetary resources when trying to reestablish financial independence and security. The release of domestic violence victims from wireless contracts that involve their abuser also assist in promoting the victim's safety as there will be one less connection to the abuser they are seeking to separate from. The ability to obtain a new phone number or alternate telecommunication services will also provide security for a victim who has endured harassment from the abuser via multiple phone calls, text messages, and other attempts to make contact.

Hawaii's domestic violence victims will benefit significantly from the ability to opt out of wireless contractual obligations by easing financial burden, reducing the potential for negative marks on their credit scores, and increasing safety with the ability to obtain a new phone number. We urge the Committee to pass SB 752. Thank you.



To: Chair Rosalyn Baker
Vice Chair Brian Taniguchi
Members of the Committee on Consumer Protection and Commerce

Fr: Nanci Kreidman, MA

RE: SB 752 Support

Recently, a single mother of three made the courageous decision to leave her abuser, who for years, maintained power and control over her through verbal, emotional, and physical violence. When he realized she left, he immediately set out to punish her. They shared a cell phone family plan under her name and in just one month, he racked up over \$800 in charges; an unfathomable sum for a newly single mother. She tried to negotiate with her carrier and explained her predicament. Yes, she works, but she was also trying to survive on just one small income. The manager she spoke with was sympathetic, but told her nothing could be done about the charges and she'd have to pay an additional \$200 to terminate her contract. Defeated, she felt like there was no other choice but to go back to her abusive partner.

As a tactic to maintain power over someone, abusive partners will often create debts in their victim's name. Credit cards, loans, and cell phone plans are opened either out of trust or through coercion. Then later, usually when a victim tries to leave the relationship, she discovers a multitude of debts that she cannot possibly pay back. With an obliterated credit history, it's nearly impossible for her to find housing, obtain a student loan, or find a different cell phone carrier. This insidious form of financial abuse has lasting effects on a survivor's ability to truly be free of her partner's control and violence.

A survivor's access to a mobile phone is not a luxury. It can be an imperative tool to keeping her safe. Cell phones are used to call domestic violence shelters, legal services, helplines, and the police. They keep a survivor in touch with domestic violence advocates, attorneys, and social workers. Without a cell phone, a survivor of domestic violence is isolated from a network of services, organizations, and individuals who are able to help. Many cases at the Domestic Violence Center are closed because advocates and attorneys are unable to maintain contact with survivors. This bill gives survivors a chance to maintain a cell phone, without the oppressive debt left for them by their abusers.

This testimony is provided to request your favorable consideration of House Bill 538, which can eliminate one of the many obstacles survivors face when seeking such freedom. Requiring wireless communication providers to release survivors from their contracts, without a termination fee, can mean the difference between staying and leaving.

Thank you.



PROTECTING HAWAII'S OHANA, CHILDREN, UNDER SERVED, ELDERLY AND DISABLED

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TO: Senator Rosalyn H. Baker, Chair
Senator Brian T. Taniguchi, Vice Chair
Members, Committee on Commerce and Consumer Protection

FROM: Scott Morishige, Executive Director, PHOCUSED

HEARING: Senate Committee on Commerce and Consumer Protection
Thursday, February 5, 2015 at 9:00 a.m. in Conf. Rm. 229

Testimony in Support of SB752, Relating to Domestic Violence

Thank you for the opportunity to provide testimony in **support** of SB752 which would require telecommunications carriers to release victims of domestic violence from shared or family wireless plans upon written request. PHOCUSED is a nonprofit membership and advocacy organization that works together with community stakeholders to impact program and policy change for the most vulnerable in our community, including victims of domestic violence.

Our membership includes organizations, such as Child & Family Service, Parents & Children Together, and Domestic Violence Action Center, which serve victims of domestic violence and their families. Through the work these organizations do every day, they see firsthand that financial and contractual obligations associated with wireless phone plans may sometimes serve as a barrier that prevents a victim from leaving an abusive relationship. Under the current system, the burden of financial responsibility for paying for phone service, or cancellation fees, often remains with the victim who – in many cases – has endured long standing economic abuse from their perpetrator.

HB538 would enable victims of domestic violence to opt out of wireless contractual obligations without undue financial burden, and would protect the victim's safety by more easily enabling them to obtain a new phone number.

Once again, PHOCUSED strongly urges your support of this bill. If you have any questions, please do not hesitate to contact PHOCUSED at 521-7462 or by e-mail at admin@phocused-hawaii.org.

SB752

Submitted on: 2/1/2015

Testimony for CPN on Feb 5, 2015 09:00AM in Conference Room 229

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

Comments: