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To: The Honorable Scott Y. Nishimoto, Chair
and Members of the House Committee on Judiciary

Date: Wednesday, March 21, 2018
Time: 2:15 P.M.
Place: Conference Room 325, State Capitol

From: Linda Chu Takayama, Director
Department of Taxation

Re: S.B. 2346, S.D. 2, Relating to Address Confidentiality

The Department of Taxation (Department) appreciates the intent of S.B. 2346, S.D. 2, and offers the following comments for the Committee's consideration.

S.B. 2346, S.D. 2, establishes the address confidentiality program which provides a substitute address for victims of abuse to use whenever an address is required for public records. The measure has a defective effective date of July 1, 2050.

The Senate Committee on Judiciary made an amendment to this measure at the Department's suggestion. The Department appreciates the consideration of its testimony and notes that it can implement this measure as currently drafted, provided a functional effective date is inserted.

Thank you for the opportunity to provide comments.

HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA
CYD HOFFELD
MARILYN LEE
JUDY KERN
AMY MONK
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Executive Director
Khara Jabola-Carolus

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March 20, 2018

To: Rep. Nishimoto, Chair
Rep. San Buenaventura, Vice Chair
Honorable Members of the H. Committee on Judiciary

From: Khara Jabola-Carolus
Executive Director
Hawai'i State Commission on the Status of Women

Re: Testimony in Support, SB2346, SD2 With Amendments

On behalf of the Commission on the Status of Women, mahalo for this opportunity to testify in strong support of SB 2346, SD2, with a recommendation for further amendment.

SB2346, if passed, would establish an address confidentiality program for victims of domestic violence, sexual assault, and stalking. SB 2346, SD2, would assist victims by allowing them to use a substitute legal address in place of their physical address. Additionally, this measure would provide for a mail forwarding system for program participants, so that perpetrators of violence against women would not be able to seek out and find victims' physical addresses. Offenders often use public data to find their victims. In cases of domestic violence, sexual assault, and stalking, this entails the intensive use of people search engines which have proliferated over the last decade. For a small fee, it is very simple for people to find out personal information about their victims, including social media profiles, email addresses, and physical addresses.

The majority of U.S. states have enacted and successfully implemented address confidentiality programs. 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 respectfully recommends that § -10(c) be amended to eliminate the mailing service of legal notice to "any of the participant's previous last known actual addresses," because this could endanger survivors' safety and privacy. Perpetrators may be located at the participant's previous last known address at the time of the notice. The Commission therefore requests that the procedure from §-8 function as the alternative if personal service is not possible.

The Commission urges the passage of SB 2346, SD2, and would likewise recommend a strong outreach and education campaign within the division that will implement this program. Thank you for this opportunity to provide testimony.

Mahalo,

Khara Jabola-Carolus

To: Hawaii State House of Representatives Committee on Judiciary
Hearing Date/Time: Wed., Mar. 21, 2018, 2:15 p.m.
Place: Hawaii State Capitol, Rm. 325
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in support of S.B. 2346, SD2, relating to Address Confidentiality

Dear Chair Nishimoto and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong support of S.B. 2346, SD2, which seeks to establish the address confidentiality program to help survivors of domestic abuse, sexual assault, and stalking to relocate and keep their addresses confidential.

Passage of this bill is long overdue for those survivors of partner violence who are stalked, harassed and intimidated through pursuit. Requiring survivors to provide their current addresses when seeking help places them at further risk and could discourage them from seeking help because the address could be discovered or overheard by an abuser.

Currently, we are one of a minority of states that currently do not have an address confidentiality program, which works by giving victims a legal substitute address to use in place of their physical address. The address can be used whenever an address is required by public agencies and first class mail sent to the substitute address is forwarded to the victim's actual address. Please help to ensure survivors' safety by passing this bill.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,

Laurie Field
Hawaii Legislative Director



March 19, 2018

To: Hawaii State House Committee on Judiciary
Hearing Date/Time: Wednesday, March 21, 2018 (2:15 pm)
Place: Hawaii State Capitol, Rm. 325
Re: Testimony in support of SB2346 SD2

Dear Representative Scott Nishimoto (Chair), Representative Joy A. San Buenaventura (Vice Chair) and Members of the Committee,

I am grateful for this opportunity to testify in **strong support of S.B. 2346 S.D. 2**, relating to 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, and family members, 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. 2346 S.D. 2 into Hawaiian law. It should also be ensured that 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's assistance.

In conclusion, passage of S.B. 2346 S.D. 2 is an important step in improving justice for women.

Thank you for the opportunity to testify.

Sincerely

Susan J. Wurtzburg, Ph.D.

Policy Chair



TO: Chair Nishimoto
Vice Chair San Buenaventura
Members of the Judiciary Committee

FR: Nanci Kreidman, M.A

Re: Testimony in Support of SB 2346 SD2, Relating to Address Confidentiality

Aloha. Thank you for the opportunity to provide testimony in strong support of this bill establishing an Address Confidentiality Program (“ACP”) in Hawaii. The ACP creates a mechanism to assist survivors of domestic violence, sexual assault, and stalking relocate and keep their addresses confidential.

Since 1991, thirty-six states enacted legislation and launched ACP’s. The legislative intent of every program is to protect the location of a survivor’s actual address and reduce the risk of future harm. Women in Hawaii who are fleeing domestic abuse must leave their home and relocate to a safe place. However, each woman is only safe so long as her abuser does not track her down. Advancing Internet technologies, the release of personal information by state agencies, and Court-ordered disclosures in family court proceedings make it easier than ever for abusers to locate survivors. The risks may also prove deadly for the woman who underestimates the lengths to which her abuser will go to continue the abuse. Further, the fear of having identifying information disclosed has actually deterred survivors from filing restraining orders, and divorce complaints.

There are countless women whose safety may be preserved as a result of this legislation. These are not perceived or imagined threats to survivor’s safety. At the Domestic Violence Action Center we see countless examples of stalking, harassment and pursuit that establishes risk to safety and urgent terror. There is no question an ACP is necessary in the State of Hawaii.

This testimony is provided to your committee to respectfully request the passage of Senate Bill 2346, SD2 which reflects a significant legislative concern for survivors of domestic violence, and a desire to facilitate their efforts to start a new life free from abuse.

Thank you for this opportunity to share our perspective.



March 21, 2018

To: Representative Scott Nishimoto, Chair
Representative Joy San Buenaventura, Vice Chair and
Members of the Committee on Judiciary

From: Jeanne Y. Ohta, Co-Chair

RE: SB 2346 SD2 Relating to Address Confidentiality
Hearing: Wednesday, March 21, 2018, 2:15 p.m., Room 325

POSITION: Strong Support

The Hawai'i State Democratic Women's Caucus writes in strong support of SB 2346 SD2 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.

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.



March 20, 2018

Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura
House Committee on Judiciary

Re: S.B. 2346 S.D.2 Relating to Address Confidentiality

Hearing: Wednesday, March 21, 2016, 2:15 p.m., Room 325

Dear Chair Nishimoto, Vice Chair San Buenaventura, and Members of the Committee on Judiciary:

Hawaii Women Lawyers submits testimony in **strong support** of S.B. 2346 S.D.2 Relating to Address Confidentiality, which would establish an address confidentiality program to help survivors of domestic violence, sexual assault, and stalking to relocate and keep their addresses confidential. The bill also appropriates funds to establish the program.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

This measure will help protect women who are victims of domestic violence, sexual assault, and stalking by protecting their location and keeping them safe as they are trying to escape from domestic violence. Women are historically most in danger of death when leaving a violent relationship, and when they change their addresses after assault. With the technology today, it has become increasingly easier to locate victims via publicly available data and social media. The program proposed in the bill to protect victims' safety will help address this issue, and has been successfully implemented in many other states.

For these reasons, we support S.B. 2346 S.D.2, and respectfully ask that you pass this measure. Thank you for the opportunity to submit this testimony.

SB-2346-SD-2

Submitted on: 3/19/2018 2:39:54 PM

Testimony for JUD on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Executive Director
Adriana Ramelli

Advisory Board

President
Mimi Beams

Joanne H. Arizumi

Mark J. Bennett

Andre Bisquera

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Marilyn Carlsmith

Dawn Ching

Senator (ret.)
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Donne Dawson

Dennis Dunn

Steven T. Emura, MD

Councilmember
Carol Fukunaga

Senator
Josh Green, MD

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Nadine Tenn Salle, MD

Deane Salter

Joshua A. Wisch

Date: March 21, 2018

To: The Honorable Scott Y. Nishimoto, Chair
The Honorable Joy A. San Buenaventura, Vice Chair
House Committee on Judiciary

From: Justin Murakami, Policy Research Associate
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Support of S.B. 2346 S.D. 2 with Amendments
Relating to Address Confidentiality

Good afternoon Chair Nishimoto, Vice Chair San Buenaventura, and members of the House Committee on Judiciary:

The Sex Abuse Treatment Center (SATC) supports S.B. 2346 S.D. 2, and respectfully offers a request for further amendment.

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.

An address confidentiality program would enhance survivors' safety and privacy, providing them the means to shield their actual locations through the use of substitute addresses, and penalizing unauthorized disclosures of actual address information. In addition, by establishing an address confidentiality program, Hawai'i would place itself on equal footing with 36 other states that have already implemented these protections.

We respectfully submit the below comment and request for further amendment of S.B. 2346 S.D. 2:

- The Senate Committee on Ways and Means amended § -10(c), on page 20 line 12 through 18 of this S.D. 2, to reflect that written notice of the court order must be "personally served upon the program participant; provided that if the participant cannot be physically located, service of the notice by certified mail

to any of the participant's last known actual addresses shall satisfy the requirements of this subsection.”

However, we are concerned that mailing service of the notice to “any of the participant's previous last known actual addresses” could potentially place the notice, with specific information about the participant's current actual address and where and to whom the disclosure of the participant's address will be made, directly into in the hands of the perpetrator of the sexual or domestic violence. Perpetrators sometimes cohabit with their victims at the time of the sexual or domestic violence, and consequently may still be located at one of the participant's previous last known address at the time of the court order and notice.

Therefore, we ask that—rather than risking that the notice could be mailed directly to the perpetrator from whom the program participant sought Address Confidentiality—the procedure provided in § -8 (“Service of Process”), on page 15 line 19 through page 16 line 10 of this S.D. 2, be stated as the alternate way that service of notice can be made if personal service is not possible.

Draft language for this proposed change is appended to this testimony for the Committee's consideration.

By ensuring that survivors of sexual assault who are forced to relocate in order to escape their attackers are able to enjoy the security and peace of mind that is due to them, your support of S.B. 2346 S.D. 2, with the above requested amendment, is a powerful reaffirmation of the State of Hawai'i's commitment to protect its citizens from offenders of violent crime.

Appendix A

Proposed Draft Language for § -10(c), on page 20 line 12 through 18 of S.B. 2346 S.D. 2

(c) Any court order requiring the disclosure of a program participant's actual address shall be stayed for ten days after written legal notice of the order is personally served upon the program participant; provided that if the participant cannot be physically located, service of the notice ~~by certified mail to any of the participant's last known actual addresses by the procedure provided above in § -8 for the service of process to a program participant~~ shall satisfy the requirements of this subsection.



TO: Chair Nishimoto, Vice Chair San Buenaventura, and Members of the House Committee on Judiciary

FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)

DATE/LOCATION: March 21, 2018; 2:15 p.m., Conference Room 325

RE: TESTIMONY IN SUPPORT OF SB 2346 – RELATING TO ADDRESS CONFIDENTIALITY

We urge you to support SB 2346– Relating to establishing the Address Confidentiality Program to help survivors of domestic abuse, sexual assault, and stalking to relocate and keep their addresses confidential. We support this bill which would establish the Address Confidentiality Program in the department of the attorney general to protect the confidentiality of the actual address of a victim of domestic abuse, a sexual offense, or stalking and to prevent the victim's assailants or potential assailants from finding the victim through public records. 36 states have launched address confidentiality programs that help to protect victims of crimes such as sexual assault, domestic violence and stalking.

As a provider of domestic violence services, we work with survivors of abuse and violence who find it difficult to keep their perpetrators from finding them or who live in fear daily that their perpetrators will find them. Living in fear is not okay and does nothing to help one to move forward. Survivors of stalking or abuse are often burdened not only by the trauma they endured but also by the residual, time-consuming, process of getting to a safe place and staying safe. This process can include many time intensive responsibilities including but not limited to obtaining TROs, going to court appearances, and attending individual or group therapy sessions all while trying to keep their identities and whereabouts protected. In addition to their daily responsibilities, these individuals are juggling many additional obligations on their road to being safe and having their address remain confidential would help to alleviate fear and aid them in this process.

Many of our clients who are brave enough or lucky enough to escape traumatic relationships and abusive experiences are working hard to rebuild their lives. This bill will allow them to focus on putting the pieces of themselves and their lives back together to become healthy and

whole again. All survivors deserve to be safe. All people deserve to be safe. With laws in place that help to protect their safety, we can all work together to help them triumph over trauma and focus on the positive future ahead.

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, sex trafficking intervention, and community building programs.

Thank you for the opportunity to testify in **support of SB 2346**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

LATE

SB-2346-SD-2

Submitted on: 3/20/2018 3:45:11 PM

Testimony for JUD on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Individual	Support	No

Comments:

Dear Chair Nishimoto, Vice Chair San Buenaventura, and Member of House Committee on Judiciary,

Thank you for this opportunity to submit testimony in support of S.B. 2346.

In order to protect their own safety and the safety of loved ones, the survivors of domestic violence and sexual assaults are sometimes forced to relocate. Unfortunately, modern search technologies and access to public records make it easy for perpetrators to find survivors' new addresses. Please pass this address confidentiality measure and increase the chance of survivor's safety and privacy.

LATE

SB-2346-SD-2

Submitted on: 3/20/2018 4:43:40 PM

Testimony for JUD on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Minton	Individual	Support	No

Comments:

I support SB2346 with the amendments proposed by the Sex Abuse Treatment Center.



COMMITTEE ON JUDICIARY

Rep. Scott Y. Nishimoto, Chair

Rep. Joy A. San Buenaventura, Vice Chair

DATE: Wednesday, March 21, 2018

TIME: 2:15 p.m.

PLACE: Conference Room 325

STRONG SUPPORT FOR SB 2346 Address Confidentiality for victims of domestic violence

Aloha Chair Nishimoto, Vice Chair San Buenaventura and members,

We are concerned about the following SD2 amendment: § -10(c), on page 20 line 12 through 18 to that written notice of the court order must be “personally served upon the program participant; provided that if the participant cannot be physically located, service of the notice by certified mail to any of the participant’s last known actual addresses shall satisfy the requirements of this subsection.”

This undermines the whole purpose of this legislation. Mailing service of the notice to “any of the participant’s previous last known actual addresses” could disclose the survivor’s address directly to in perpetrator of sexual or domestic violence. Perpetrators often are living with their victims at the time of the sexual or domestic violence, and consequently may **still** be located at one of the participant’s last known address at the time of the court order and notice.

So back to why this important to begin with... In 2008 Royal Kaukani, 25, was gunned down in broad daylight, allegedly by her ex-boyfriend whom she had a protective order against an order that did nothing to protect her life. In December of last year Kevin Walts was charged with choking his 33-year-old girlfriend in Waikiki. He was charged in three other assaults.

According to Hawaii Says NO MORE 575 Hawaii domestic violence survivors seek support from local programs every day, and 50,000 women between 18 and 64 are victims of domestic violence each year.

A day does not go by in our aloha state that some woman and/or her children are not assaulted and too often killed by domestic abusers. Sadly, even if they report or go to a shelter there is no guarantee that the perpetrator will not find them because court paper work demands that the victim make her address a matter of public record. Keep in mind that perpetrators will go to any length to find their victims in order to re-abuse and often kill them.

This bill will only correct this deadly deficiency if survivors’ addresses are truly and fully confidential. Here is suggested language: § -10(c), on page 20 line 12 through 18 of S.B. 2346 S.D. 2(c) Any court order requiring the disclosure of a program participant’s actual address shall be stayed for ten days after written legal notice of the order is personally served upon the program participant; provided that if the participant cannot be physically located, service of the notice by certified mail to any of the participant’s last known actual addresses by the procedure provided above in § -8 for the service of process to a program participant shall satisfy the requirements of this subsection.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai`i Women’s Coalition

Contact: annsfreed@gmail.com

LATE

SB-2346-SD-2

Submitted on: 3/21/2018 4:03:28 AM

Testimony for JUD on 3/21/2018 2:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments: