



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTIETH LEGISLATURE, 2020**

**LATE**

**ON THE FOLLOWING MEASURE:**

S.B. NO. 2480, RELATING TO PROTECTIVE ORDERS.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY

**DATE:** Friday, January 31, 2020

**TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Clare E. Connors, Attorney General, or  
Philip Higdon, Assistant Administrator, HCJDC

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Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) appreciates the intent of the bill and offers the following comments.

The purpose of this bill is to establish a Hawaii Hope Card Program within the Department of the Attorney General to issue the hope cards, verifying a person's long-term protective order. The bill would allow protected individuals to carry an identification card the size of a driver's license that provides all information needed for law enforcement agencies to verify a long-term protective order's existence rather than carrying a copy of the entire protective order.

Section 2 of the bill, on page 2, lines 14-19, states that the purpose of the Hawaii hope card program is to allow law enforcement agencies to quickly verify the existence of, and more easily obtain information on, the long-term protective order, and provide a more convenient method by which protected individuals can prove that a protective order is in place. The Department's experience is that the information being proposed on the card does not provide all the necessary information law enforcement agencies require to verify the validity of a long-term protective order. It is the Department's understanding that, when the petitioner provides a law enforcement officer the petitioner's protection order documents, the officer still is required to verify the validity of the order, by contacting the law enforcement agencies' records department to ensure

proof of service was made on all parties and to determine if amendments have been made to the original order.

Section 2 of the bill, on page 3, lines 1-7, would allow any person requesting a hope card to submit an application to the Department of the Attorney General on a prescribed form and, after verifying the validity of the long-term protective order, the Department of the Attorney General would issue the applicant a hope card with certain required information. The Department is not in a position to obtain and verify any information that is not included in the long-term protective order. We therefore recommend that the bill be modified to only require the Department to include identifying characteristics of the person to be restrained on the hope card that is contained in the long-term protective order by amending subsection (c), page 3, lines 19-21, and page 4, lines 1-2, as follows: “(c) A hope card shall be similar to the size and made of material similar to a Hawaii state driver license (laminated, similar in size to a credit card) display a color photograph of the person to be restrained by the long-term protective order, if available and confirmed by the court issuing the long-term protective order, and contain essential information if provided within the long-term protective order, including: Identifying characteristic of the person to be restrained, name, date of birth, sex, race, eye and hair color, height, and weight. The issuance and expiration dates of the long-term protective order. The names and date of births of any child or other individuals who are also covered by the long-term protective order.

In section 2, on page 4, lines 9-10, the bill requires the Department to indicate the issuance and expiration dates of the long-term protective orders on the hope card. Although the Department can indicate the expiration date specified in the long-term protective order on the date the Department issues the hope card, the Department notes that any subsequent changes to the term of the protective order, such as a shortening or extension of its duration, will not be reflected on the hope card unless an applicant notifies the Department and requests that an updated card be issued. Because there is no way to guarantee that a hope card will reflect any changes to the long-term protective order after its issuance, law enforcement agencies may nevertheless request to see a copy of the actual order or seek to verify the existence of

the order notwithstanding the presentation of a hope card, thereby undermining the purpose of the hope card.

The Department appreciates the opportunity to provide comments on this bill.

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Submitted on: 1/28/2020 2:02:13 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

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

Comments:

STRONG SUPPORT for this LIFE & COST saving initiative!!!

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Submitted on: 1/29/2020 5:35:04 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dr. Guy Yatsushiro	Individual	Support	No

Comments:

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Submitted on: 1/29/2020 8:30:46 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kara england	Individual	Support	No

Comments:

Thank you for your support!

Kara England

**LATE**

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Submitted on: 1/31/2020 9:09:55 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Marci Lopes	Testifying for Domestic Violence Action Center	Support	Yes

Comments: