

JAN 22 2021

A BILL FOR AN ACT

RELATING TO PROTECTIVE ORDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that promoting the safety
2 of persons granted long-term protective orders is inherent in
3 the objective of the orders. The legislature further finds that
4 the current method by which protected individuals can prove the
5 existence of an order is cumbersome. Protected individuals,
6 including young minors, need to carry the nine-page documents at
7 all times. Doing so is not only inconvenient, but may quickly
8 render the order illegible due to wear and tear.

9 The legislature believes that a better alternative has been
10 implemented in other states: the option to carry an
11 identification card the size of a driver's license that provides
12 all the information needed for law enforcement agencies to
13 verify a long-term protective order's existence. The
14 legislature finds that these types of cards, known as "hope
15 cards", are durable, waterproof, and easily portable. The
16 cards' functionality serves to increase the safety of the



1 persons protected by these orders by making it easy to carry
2 proof of protection on a daily basis.

3 The Hawaii hope card program would be responsible for
4 issuing hope cards to grantees of a long-term protective order,
5 at a grantee's request, for the purpose of allowing law
6 enforcement agencies to quickly verify the existence of, and
7 more easily obtain information on, the long-term protective
8 order. It is the legislature's intent that hope cards provide a
9 more convenient method by which protected individuals can prove
10 that a protective order is in place. The legislature does not
11 intend that the cards replace the original protective orders
12 granted by the court.

13 Accordingly, the purpose of this Act is to establish a
14 Hawaii hope card program within the department of the attorney
15 general.

16 SECTION 2. Chapter 28, Hawaii Revised Statutes, is amended
17 by adding a new part to be appropriately designated and to read
18 as follows:

19 **"PART . HAWAII HOPE CARD PROGRAM**



1 **§28- Hawaii hope card program.** (a) There is
2 established within the department of the attorney general the
3 Hawaii hope card program.

4 (b) Any person who has been granted a long-term protective
5 order may request a hope card by submitting an application to
6 the department of the attorney general on a form prescribed by
7 the department. After verifying the validity of the long-term
8 protective order upon which the application is based, the
9 department of the attorney general shall issue a hope card to
10 the applicant; provided that duplicate hope cards may be issued
11 to an applicant upon request as necessary, including in the
12 following situations:

13 (1) For the applicant to provide the hope card to a school
14 or employer;

15 (2) To enable use of the hope card by a child or other
16 individual covered by the long-term protective order;
17 or

18 (3) For the applicant to provide the hope card to a
19 school, day care program, or other similar institution
20 attended by a child or other individual covered by the
21 long-term protective order.



(c) A hope card shall be similar in size and material to a Hawaii state driver's license; 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:

- (1) Identifying characteristics of the person to be restrained, including name, date of birth, sex, race, eye and hair color, height, weight, and any distinguishing features such as scars or tattoos;
- (2) The case number and the issuing court of the long-term protective order;
- (3) The issuance and expiration dates of the long-term protective order;
- (4) Identifying characteristics of the applicant, including name, date of birth, sex, race, eye and hair color, height, and weight; and
- (5) The names and birth dates of any children or other individuals who are also covered by the long-term protective order.



1 (d) Hope cards and duplicates shall be issued at no charge
2 to applicants.

3 (e) For the purposes of this part, "long-term protective
4 order" means a protective order that is to remain in effect for
5 a period of more than ninety days under section 604-10.5, or for
6 a period of more than one hundred eighty days under chapter 586.

7 **§28- Access to Hawaii hope card program information;**
8 **verification.** (a) The Hawaii hope card program shall notify
9 the Hawaii criminal justice data center when a hope card has
10 been issued regarding a protective order. This information
11 shall be made available to law enforcement personnel seeking to
12 verify the validity of the hope card or its underlying
13 protective order.

14 (b) Access authorized by this section may be provided in
15 coordination with the Hawaii criminal justice data center
16 established under chapter 846.

17 **§28- Prohibitions; penalty.** (a) No hope card
18 applicant or program participant shall knowingly provide false
19 information on an application.

20 (b) An applicant or program participant who violates this
21 section shall be fined not more than \$500.



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1 **§28- Rulemaking authority.** The attorney general shall
2 adopt rules pursuant to chapter 91 as necessary to carry out the
3 purposes of this part."

4 SECTION 3. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$30,000 or so much
6 thereof as may be necessary for fiscal year 2021-2022 and the
7 same sum or so much thereof as may be necessary for fiscal year
8 2022-2023 for the department of the attorney general to
9 administer the Hawaii hope card program.

10 The sums appropriated shall be expended by the department
11 of the attorney general for the purposes of this Act.

12 SECTION 4. No later than January 1, 2022, the department
13 of the attorney general shall develop and implement the Hawaii
14 hope card program established by section 2 of this Act.

15 SECTION 5. This Act shall take effect on July 1, 2021.

16

INTRODUCED BY: Karl Rhoads



S.B. NO. 300

Report Title:

Protective Orders; Hope Card Program; Appropriation

Description:

Establishes a Hawaii hope card program within the department of the attorney general to issue cards verifying a person's long-term protective order. Appropriates funds.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

