

STAND. COM. REP. NO. **106**

Honolulu, Hawaii
FEB 09 , 2021

RE: H.B. No. 569
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Higher Education & Technology, to which was referred H.B. No. 569 entitled:

"A BILL FOR AN ACT RELATING TO VICTIM-COUNSELOR PRIVILEGE,"

begs leave to report as follows:

The purpose of this measure is to expand the scope of who can be assisted by a victim counselor and broaden the role of a victim counselor to include a confidential advocate employed by the University of Hawaii.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Department of Human Services, Hawai'i State Commission on the Status of Women, Sex Abuse Treatment Center, Domestic Violence Action Center, and Hawai'i State Coalition Against Domestic Violence.

Your Committee finds that Act 208, Session Laws of Hawaii 2016, required the University of Hawaii to designate at each campus a confidential advocate for students to confidentially discuss incidents of, and obtain information on, sexual harassment, sexual assault, domestic violence, dating violence, stalking, and related issues. However, confidentiality that may be provided to University of Hawaii employees is limited due to provisions of Title VII of the Civil Rights Act of 1964. If a confidential advocate learns that the perpetrator of sexual

harassment, sexual assault, domestic violence, dating violence, or stalking is an employee of the University, the information must be reported and cannot be kept confidential. This measure gives additional legal protections to information that victims share with University of Hawaii confidential advocates, thereby allowing victims to share more information in confidence and receive better support from the University.

Your Committee has amended this measure by:

- (1) Adding a severability clause;
- (2) Changing the effective date to July 1, 2060, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Higher Education & Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 569, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 569, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Higher Education &
Technology,



GREGG TAKAYAMA, Chair



HSCR 106

Record of Votes of the Committee on Higher Education & Technology

Bill/Resolution No.: HB 569	Committee Referral: HET, JHA, FIN	Date: 2-3-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HET Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAYAMA, Gregg (C)	✓			
2. DeCOITE, Lynn (VC)	✓			
3. BELATTI, Della Au	✓			
4. GANADEN, Sonny	✓			
5. GATES, Cedric Asuega	✓			
6. HASHIMOTO, Troy N.	✓			
7. KAPELA, Jeanne	✓			
8. OHNO, Takashi	✓			
9. QUINLAN, Sean	✓			
10. WOODSON, Justin H.	✓			
11. YAMANE, Ryan I.	✓			
12. OKIMOTO, Val	✓			
TOTAL (12)	12	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u><i>Lynn Subito</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				