



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY- FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

S.B. NO. 300, RELATING TO PROTECTIVE ORDERS.

BEFORE THE:

SENATE COMMITTEE ON HUMAN SERVICES

DATE: Thursday, February 04, 2021 **TIME:** 3:05 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Clare E. Connors, Attorney General, or
Philip Higdon, Assistant Administrator, Hawaii Criminal Justice Data
Center

Chair San Buenaventura 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 (program) within the Department of the Attorney General to issue a protected individual a hope card (card), which would be an identification card the size of a driver's license to provide all information needed for law enforcement agencies to verify the existence of a long-term protective order. The card would replace the requirement that a protected individual carry a copy of the actual protective order.

Section 1 of the bill, on page 2, lines 5-10, 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 to "provide a more convenient method by which protected individuals can prove that a protective order is in place." One problem with the bill is that the information to be included on the card would not provide all the necessary information that law enforcement agencies require to verify the validity of a long-term protective order in order to enforce it.

Section 2 of the bill, on page 4, lines 7-20, lists the information that would be included on the card. But a law enforcement officer would still be required to verify the

existence and validity of the protective order by contacting the law enforcement agencies' records departments to ensure that all parties were served and the terms stated on the card are current. The card, therefore, would not achieve the goal of providing law enforcement agencies the ability to quickly verify the existence of, and more easily obtain information on, the long-term protective order. Law enforcement agencies currently use the Department's Hawaii Criminal Justice Information System (CJIS) TRO/PO data to confirm the existence of a protective order and its conditions, and that the order was served. Even if the card is issued, law enforcement would need to continue its current practice of using CJIS.

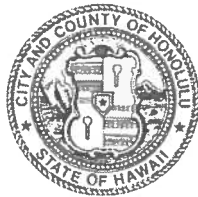
The Department notes that any changes to the term of the protective order, such as a shortening or extension of its duration, will not be reflected on the hope card unless the cardholder notifies the Department of the change and the Department is able to verify the change request in order to issue an updated card. There is no process proposed in the bill that would ensure that the card would reflect any changes to the long-term protective order after its issuance.

Finally, according to section 3 of the bill, on page 6, lines 4-9, for the Department to administer the program, \$30,000 would be appropriated out of the general fund for fiscal year 2021-2022 and the same amount for fiscal year 2022-2023 . A query of CJIS Hawaii TRO/PO module indicates that there are currently 8,671 active protective orders. Based on the quantity of the cards that may be issued, in order to operate the Hawaii Hope Card program, adequate funding will be needed for equipment, postage, website development, database development, and identification card hardware and software. The Department also would need at minimum, one full-time position Program Specialist III to be established and approved, in order to develop, implement, manage, and operate this program. The Department's estimated need for fiscal year 2021-2022 funding would be \$128,000. Without adequate fiscal support, the Department will not be able to implement and effectively operate the Hawaii hope card program.

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

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE RP-KK

February 4, 2021

The Honorable Joy A. San Buenaventura, Chair
and Members
Committee on Human Services
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 225
Honolulu, Hawaii 96813

Dear Chair San Buenaventura and Members:

SUBJECT: Senate Bill No. 300, Relating to Protective Orders

I am Randall Platt, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 300, Relating to Protective Orders.

The HPD agrees that the current method by which protected individuals can prove the existence of a protective order is cumbersome and inconvenient. Having a wallet-sized identification card containing the essential information is convenient, efficient, and an effective method to assist law enforcement with the verification of a long-term protective order.

The HPD urges you to support Senate Bill No. 300, Relating to Protective Orders. Thank you for the opportunity to testify.

APPROVED:

A handwritten signature in black ink that reads "Susan Ballard".

Susan Ballard
Chief of Police

Sincerely,

A handwritten signature in black ink that reads "Randall Platt".

Randall Platt, Captain
Criminal Investigation Division

SB-300

Submitted on: 2/1/2021 12:34:48 PM

Testimony for HMS on 2/4/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
nanci kreidman	Testifying for domestic violence action center	Comments	No

Comments:

aloha,

if this expedites the access to a restraining order we would support favorable action on this Bill.

with the dire shortage of funds, monies to set up a new program will challenge the availability of monies for core community services. this is problematic.

thank you for your consideration.

love, nanci kreidman

SB-300

Submitted on: 2/3/2021 8:43:57 AM

Testimony for HMS on 2/4/2021 3:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Karen Tan	Testifying for Child & Family Service	Support	No

Comments:

Child & Family Service supports this bill. If, however, there are costs associated with the initiation of this program, and those costs would take away from core community programming that currently exists, this may not be the time to institute the program.



ala kuola
let's end the violence

LATE

Aloha Chair Rhodes, Vice Chair Keohokalole and member of the Committee.

Thank you for the opportunity to submit testimony on HB 300.

I am the Executive Director of the Hawaii Family Law Clinic dba Ala Kuola. Since 2007, Ala Kuola has assisted victims of domestic abuse with the completion and filing of a Petition for Temporary Restraining Order with the Family Court of the First Circuit.

Upon adjudication of the Petition by the Court, an Order for Protection is issued should the Court find that further protection is necessary to protect the Petitioner from further abuse. Throughout our experience, we have seen Orders For Protection granted for anywhere from a period of six months or less and as long as fifty years. Once an Order is granted, it would necessitate the Petitioner to carry on him or her person, a copy of the certified Order at all times throughout the duration of the Order, which again may be as short as 6 months or as long as 50 years. The purpose of having the Order at all times is in the event the perpetrator violates the Order, the Petitioner would be able to contact law enforcement to notify them of a violation immediately, oftentimes in a critical and possibility life threatening violation. The Order is approximately eight pages and can become cumbersome to carry on the person and is subject to wear and tear and destruction by the elements. The Hope card is convenient and virtually indestructible and can easily be carried in one's wallet or person.

As noted in SB 300, other jurisdictions have implemented the use of this valuable tool to protect victims of domestic abuse. For example, the State of Idaho allows anyone with a valid, long-term (6 months or more) order of protection to request a card that summarizes the order's most important details. This application is made through the Office of the Attorney General.

The passage of SB 300 would provide a valuable tool to help victims further ensure their safety. I strongly support SB 300.

Lastly, I would like to suggest that the SB 300 be amended to reflect that the Hope Card be named the Protective Order Card (POC) to not have it be confused or mistaken with the Judiciary's Hope program.

Respectfully submitted,

SB-300

Submitted on: 2/3/2021 3:55:44 PM

Testimony for HMS on 2/4/2021 3:05:00 PM

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

Comments:

Legislation & action long overdue - please pass & put into effect asap! Thank you ~

LATE