

Honolulu, Hawaii

FEB 13 2023

RE: S.B. No. 236

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Higher Education, to which was referred
S.B. No. 236 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Expand the victim-counselor privilege under the Hawaii Rules of Evidence to include confidential advocates employed by the University of Hawaii; and
- (2) Increase the minimum number of hours of training a domestic violence victims' counselor must complete to be considered a victim counselor.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Hawai'i Pacific Health Sex Abuse Treatment Center, Hawai'i State Coalition Against Domestic Violence, Every Voice Coalition Hawai'i, Democratic Party of Hawai'i Women's Caucus, American Association of University Women of Hawaii, Hawai'i Health & Harm Reduction Center, Democratic Party of Hawai'i Education Caucus, Imua Alliance, and eight individuals.

Your Committee finds that the University of Hawaii is mandated by law to designate confidential advocates at each campus to provide confidential advocacy support to victims of sexual harassment, sexual assault, domestic violence, dating violence,



and stalking. Despite this mandate, the law fails to provide a mechanism to provide confidentiality to students and employees seeking these campus-based services. According to a 2021 report conducted by the University of Hawaii, over twenty percent of students who experienced sexual misconduct and did not seek help through the University chose not to seek help because they feared their experiences would not be kept confidential, which for many led to reduced academic performance. To protect victims and encourage them to seek support, this measure expands the victim-counselor privilege to include confidential advocates, ensuring victims' communications are afforded the same legal privilege of confidentiality status as those made to community advocates and service providers. Additionally, Hawaii has one of the lowest requirements in the nation with regard to the minimum number of training hours that domestic violence advocates must complete. This measure brings Hawaii into parity with the majority of other states that require an average of thirty-five hours to better prepare advocates to work with domestic violence survivors.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 236 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

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



DONNA MERCADO KIM, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Higher Education
HRE

Bill / Resolution No.:* SB 236	Committee Referral: HRE, JDC	Date: 2-7-23
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)	✓			
KIDANI, Michelle N. (VC)	✓			
FUKUNAGA, Carol	✓			
KEITH-AGARAN, Gilbert S.C.	✓			
FEVELLA, Kurt	✓			
TOTAL	5			

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:
Michelle N. Kidani

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*Only one measure per Record of Votes