

OFFICE OF THE LIEUTENANT GOVERNOR
Ke Ke'ena O Ka Hope Kia'aina

TO: Chair Kyle Yamashita
Vice Chair Lisa Kitagawa
Members of the House Committee on Finance

FROM: Sylvia Luke, Lieutenant Governor

RE: Testimony for H.B. 1260 – Relating to Address Confidentiality

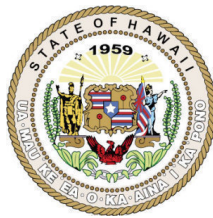
DATE: February 24, 2023

Thank you for the opportunity to provide testimony in **strong support of H.B. 1260** which changes the administration of the address confidentiality program from the Office of the Lieutenant Governor to the Department of Law Enforcement and appropriates funds for positions, operating costs, and equipment to support administering the address confidentiality program.

The Legislature passed Act 115, Session Laws of Hawaii 2018 and Act 274, Session Laws of Hawaii 2019 which protects the confidentiality of the actual address of survivors of domestic abuse, sexual offenses, or stalking from public record. Working together with domestic violence non-profit organizations, the State will assign a substitute address that receives first-class, certified, or registered mail and forward that mail to the survivor's actual address. While I fully support this important program, the open nature of my office and the State Capitol creates safety concerns, and it is more appropriate to house this program in the Department of Law Enforcement where abusers and stalkers would be deterred from visiting.

Thank you for the opportunity to provide testimony in strong support of H.B. 1260.

JOSH GREEN
GOVERNOR



JORDAN LOWE
DIRECTOR

MICHAEL S. VINCENT
Deputy Director
Administration

STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'opalekana Lehulehu

1177 Alakea Street
Honolulu, Hawaii 96813
(808) 587-2562

Vacant
Deputy Director
Law Enforcement

No.

TESTIMONY ON HOUSE BILL 1260, HB. 1
RELATING TO ADDRESS CONFIDENTIALITY

Before the House Committee on Finance

Friday, February 24, 2023; 1:30 p.m.

State Capitol Conference Room 308, Via Videoconference

Testifiers: Jordan Lowe or Michael Vincent

Chair Yamashita, Vice Chair Kitagawa, and members of the Committee:

The Department of Law Enforcement (DLE) strongly supports House Bill 1260, HD 1.

This bill transfers the Address Confidentiality Program from the Lieutenant Governor to the DLE, authorizes the program to contract services of a third-party administrator, and appropriates funds for positions and operation.

This program is essential for many survivors of domestic abuse, sexual assault, and stalking who are moving or relocating and need to keep the location of their physical address confidential to safely escape the violator and continue a path of healing, rebuilding, and commencing what should be a new lease on life. This bill is needed to authorize the DLE to administer the Address Confidentiality Program and help provide a measure of safety, security, and relief for many of these victims.

This bill also authorizes the DLE to contract with a third-party to provide administrative services for the limited purpose of receiving and forwarding certain mail and acting as an agent for service of process for the participants. While the DLE will administer the program and have law enforcement officers, including investigators, who will address any law enforcement issues relating to those trying to locate the participants, it is foreseeable that the day-to-day administration of the mail forwarding

and service aspects of the program may be appropriate for a third-party if not performed by staff. This bill provides for that limited option.

The original bill was amended to clarify that a third party may not administer the program, but ensure that any contract services would be strictly limited to the mail forwarding aspects of the program and acceptance of service of process similar to agents of any business. This limitation was necessary to safeguard the confidentiality of those in the program and leave the responsibility for administering the program with the DLE.

The DLE will include input from victim advocacy groups and victims as we identify the conditions, guidelines, policies, and rules of the program. Additionally, because the program will be subject to rules in its administration, significant input is expected from the public in the establishment of the Program.

Based on testimony before the prior committee, we are aware of a suggestion to amend the bill to require inclusion of a governance committee. DLE does NOT support including a governance committee.

The proposal to include a governance committee is based on the idea that it should be like the Statewide Automated Victim Information and Notification (SAVIN) system administered by the Department of Public Safety. However, there are several important and significant distinctions described below why DLE does not believe a governance committee is needed to for the Address Confidentiality Program.

The SAVIN system is a complex integrated information system designed to provide the public and victims around-the-clock information and notification on custody, parole status, and other information of offenders subject to the jurisdiction of the Corrections Division of the Department of Public Safety. The system is complicated and involves several partners, facilities, and systems. The system has 21 triggers that would cause a notification to be sent out including any release, escape or return from escape, unsupervised custody, return to custody, transfer, death, requested reduction of minimum sentence (including review and decision), stages of parole hearings (early,

upcoming, decision, delay, or discharge), issuance of a warrant, and various types of parole status (return to custody, revocation, interstate compact, return from interstate compact) of offenders.

In contrast, the Address confidentiality program does not include the complicated network and information systems like the SAVIN system. Rather it is intended to protect survivors of domestic violence, sex assault and stalking from their abuser by assigning a substitute address to program participants, receive and forward mail at no cost to the program participants, keep a log of all mail, and act as the agent of the program participants for purposes of service of all legal process in the State.

Finally, the appropriation is needed for the DLE to properly fulfill its obligations under the Address Confidentiality Program. At this time, we believe the amount of \$280,000 should be sufficient for fiscal year 2023-2024 and 2024-2025 with two (2) full-time equivalent (2 FTE) positions.

Thank you for the opportunity to testify in strong support on this bill.

JOSH B. GREEN, M.D.
GOVERNOR



MARI McCAIG BELLINGER
Chair

CLIFTON Y.S. CHOY
Commissioner

JO KAMAE BYRNE
Commissioner

PAMELA FERGUSON-BREY
Executive Director

STATE OF HAWAII – KA MOKU'ĀINA 'O HAWAII

**CRIME VICTIM COMPENSATION
COMMISSION**

Ke Komikina Uku Luaahi Kalaima

1164 Bishop Street, Suite 1530

Honolulu, Hawai'i 96813

Telephone: 808 587-1143

Fax: 808 587-1146

TESTIMONY ON HOUSE BILL 1260, HD1
RELATING TO ADDRESS CONFIDENTIALITY
by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Finance
Representative Kyle T. Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair

Friday, February 24, 2023; 1:30 PM
Via Videoconference; State Capitol, Conference Room 308

Good afternoon Chair Yamashita, Vice Chair Kitagawa, and Members of the House Committee on Finance. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify before you today. The Commission strongly supports House Bill 1260 with the proposed amendments offered by the Hawai'i State Coalition on Domestic Violence.

The Commission provides compensation for violent crime victims to pay un-reimbursed expenses for crime-related losses due to physical or mental injury or death. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission. In addition, the Commission serves on and currently chairs the Statewide Automated Victim Information and Notification System (SAVIN) Governance Committee, which guides the SAVIN Program in Hawai'i. The role of the Governance Committee is to ensure that the SAVIN Program is victim centered.

The Commission strongly supports the Address Confidentiality Program which provides eligible victims with a confidential mailing address for all public records to shield their actual location from their abuser/stalker.

Thank you for providing the Commission with the opportunity to testify in strong support of House Bill 1260, HD1, with the proposed amendments offered by the Hawai'i State Coalition on Domestic Violence.



HAWAI'I STATE
**COALITION AGAINST
DOMESTIC VIOLENCE**

February 24, 2023

Members of the House Committee on Finance:

Chair Kyle T. Yamashita

Vice Chair Lisa Kitagawa

Rep. Micah P.K. Aiu

Rep. Cory M. Chun

Rep. Elle Cochran

Rep. Andrew Takuya Garrett

Rep. Kirstin Kahaloa

Rep. Darius K. Kila

Rep. Bertrand Kobayashi

Rep. Rachele F. Lamosao

Rep. Dee Morikawa

Rep. Scott Y. Nishimoto

Rep. Mahina Poepoe

Rep. Jenna Takenouchi

Rep. David Alcos III

Rep. Gene Ward

Re: HB1260 HD1 Relating to Address Confidentiality

Dear Chair Yamashita, Vice Chair Kitagawa, and Members of the House Committee on Finance:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses the social, political, and economic impacts of domestic violence on individuals, families, and communities. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 28 member programs statewide, I respectfully submit testimony in **support of HB1260 HD1 and respectfully suggest amendments** to this measure. The amendments reflect the concerns of victim service providers on the time and resources necessary to successfully implement and administer the Address Confidentiality Program (the Program).

1. We recommend deleting lines 4-6 on page 1, Contract for administrative services.

The administration of this program should not be outsourced to a third party. Implementation and management of this Program is complex, regardless of the number of survivors enrolled in the program, with consequences affecting survivor safety. Implementation and administration must have a survivor-centered, trauma informed approach in addition to certain technical expertise.

The purpose of the Program is to protect survivors of domestic violence, sex assault and stalking from their abuser by keeping their home address from public records. This would be achieved by assigning a substitute mailing address, forwarding first class, certified, or registered



mail at no cost to the survivor and acting as agent for purposes of process of service of all legal process in the State of Hawai'i. The successful implementation and administration of this Program requires buy-in, collaboration and training of other state agencies including, but not limited, the Office of Elections, Department of Human Services, Department of Education, and public utilities. **Programs in other states are successful when the program staff and the administration rules governing their program have the full weight of a state agency behind them.**

2. We also recommend adding a section to HRS 801G creating an address confidentiality program governance committee, modeled after HRS 353-137 Automated victim information and notification system governance committee.

The address confidentiality program governance committee members should at minimum include:

- a victim;
- one representative from a victim assistance program in each county
- one representative from each of:
 - Hawai'i State Coalition Against Domestic Violence;
 - Sex Abuse Treatment Center;
 - Domestic Violence Action Center; and
 - Crime victim compensation commission.

with the purpose of advising the department of law enforcement on the :

- implementation and operation of the program;
- staffing requirements;
- policies and procedures governing the implementation and operation of the program, intended to safeguard the safety, confidentiality, and autonomy of victims.

The establishment of the address confidentiality program governance committee will advise the department of law enforcement on the implementation of the program in a survivor-centered, trauma informed manner, including the best practices established by other programs across the nation.

Thank you for the opportunity to testify on this important matter.

Sincerely,
Angelina Mercado, Executive Director