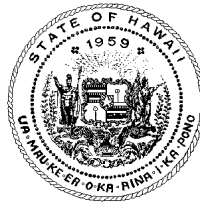


JOSH B. GREEN, M.D.
GOVERNOR



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF PUBLIC SAFETY
KA 'OIHANA HO'OPALEKANA LEHULEHU
1177 Alakea Street
Honolulu, Hawaii 96813

TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Michael J. Hoffman
Acting Deputy Director
Corrections

William Oku
Acting Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 369
RELATING TO TELEPHONE SERVICES FOR COMMITTED PERSONS.

by
Tommy Johnson, Director

Senate Committee on Public Safety and Intergovernmental and Military Affairs
Senator Glenn Wakai, Chair
Senator Brandon J.C. Elefante, Vice Chair

Wednesday, February 1, 2023; 3:00 p.m.
State Capitol Conference Room 229 and Via Video Conference

Chair Wakai, Vice Chair Elefante, and Members of the Committee:

The Department of Public Safety (PSD) strongly opposes Senate Bill (SB) 369, that prohibits PSD from receiving commission payments from inmate telephone calls and from entering into or renewing any contract with any privately-owned prison telephone communications provider.

Through the State's competitive bid process in 2016-17, PSD awarded a contract to a privately-owned prison telephone communications provider for its inmate telephone service. Providing communication between offenders and their loved ones is a very important factor in maintaining family relationships and reducing recidivism. However, unlike residential or commercial telephone service, prison telephone communication is monitored and recorded (with the exception of identified legal calls) for the safety and security of the statewide correctional facilities and our communities.

Prior to 2016, Hawaiian Telcom provided standard telephone service to statewide correctional facilities and notified PSD that they would be transitioning out of providing prisoner telephone communications. The final cutover from Hawaiian Tel to PSD's current provider was in May 2018, the start of the new contract.

Under PSD's current contract with ViaPath (formerly known as Global Tel*Link-GTL), it costs \$.07 per minute for local, interstate, and international calls. A 15-minute direct call costs \$1.05.

In May 2021, the Federal Communications Commission (FCC) adopted an order lowering the interim rate caps on interstate inmate calling services to \$0.12 cents per minute for all prisons and \$0.14 cents per minute for all jails with average daily populations of 1,000 or more, providing financial relief to the vast majority of incarcerated people. However, the FCC order did not impact PSD's inmate calling rate as our rate per minute was already lower than what the FCC ordered.

More importantly, under PSD's current contract with ViaPath (formerly known as Global Tel*Link-GTL), it is ordered that commissions to the State are deposited into the PSD's Special Fund set-up for the State Automated Victim Information Notification System (SAVIN). The Legislature created the SAVIN program to enable PSD and the Hawaii Paroling Authority (HPA) to meet their statutory obligation to notify crime victims of offender transfers and parole (or release) status. SAVIN does not receive State general funds; SAVIN is strictly funded by 1) Commissions derived from the inmate phone system; and 2) A four percent (4%) assessment on inmate commissary purchases.

Victims would be unable to exercise their rights, or engage in safety planning, if they did not receive statutorily mandated notification about offender escape/release/transfer/movement or parole hearings. This important program protects crime victims and the community.

Lastly, under PSD's inmate phone system that is monitored/recorded, PSD has identified numerous court-ordered violations of no-contact victim orders and temporary restraining orders between offenders and their victims. These identified telephone conversations have resulted in statewide facilities issuing Cease/Desist orders to offenders that knowingly violate their victim court orders that leads to the issuance of many subpoenas for PSD staff to testify in court proceedings on all islands resulting in the revocation of bail orders, issuance of probation violations, and other court actions to protect the victim's safety in the community.

As written, SB 369 will prohibit PSD's commission deposits to the SAVIN system prompting the Legislature to fund approximately \$300,000 to \$400,000 of State general funds to meet statutory obligations. SB 369 will also prohibit PSD from entering into or renewing any contract with any privately-owned prison telephone communication provider and since Hawaiian Tel no longer provides this service, PSD will be forced to end prisoner communication services (personal and legal phone calls) for its statewide inmate population.

The Department respectfully requests that SB 369 be deferred for the reasons stated above.

Thank you for the opportunity to present this testimony.



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
HAWAII PAROLING AUTHORITY
Ka 'Ākena Palola o Hawai'i
1177 Alakea Street, First Floor
Honolulu, Hawaii 96813

EDMUND "FRED" HYUN
CHAIR

GENE DEMELLO, JR.
CLAYTON H.W. HEE
MILTON H. KOTSUBO
CAROL K. MATAYOSHI
MEMBERS

COREY J. REINCKE
ACTING ADMINISTRATOR

No. _____

TESTIMONY ON SENATE BILL 369
RELATING TO TELEPHONE SERVICES FOR COMMITTED PERSONS

by
Edmund "Fred" Hyun, Chairman
Hawaii Paroling Authority

Senate Committee on Public Safety and Intergovernmental and Military Affairs
Senator Glenn Wakai, Chair
Senator Brandon J. C. Elefante, Vice Chair

Wednesday, February 1, 2023 – 3:00 p.m.
Conference Room 225

Chair Wakai, Vice Chair Elefante, and Members of the Committee:

The Hawaii Paroling Authority (HPA) strongly opposes Senate Bill (SB) 369, which prohibits the Department of Public Safety (PSD) from receiving commission payments from inmate telephone calls and from entering into or reviewing any contract with any privately-owned prison telephone communications provider.

Providing communication between offenders and their loved ones is a very important factor in maintaining family relationships and reducing recidivism. However, unlike residential or commercial telephone services, prison telephone communication is monitored and recorded (with the exception of identified legal calls) for the safety and security of the statewide correctional facilities and our communities.

Victims would be unable to exercise their rights, or engage in safety planning, if they did not receive statutorily mandated notification about offender escape/release/transfer/movement or parole hearings. This important program protects crime victims and the community.

In addition, the PSD inmate phone system provides an avenue for the inmates to contact HPA parole officers to further discuss their parole plan and other issues prior to their parole consideration hearing when "in person" is not possible.

The Legislature created the SAVIN program to enable PSD and HPA to meet their statutory obligation to notify crime victims of offender transfers and parole (release) status. Savin is strictly funded by: 1) the Commission's derived from the inmate phone system; and 2) a four

Testimony on SB 369
Senate Committee on Public Safety and
Intergovernmental and Military Affairs
February 1, 2023
Page 2

percent (4%) assessment on inmate commissary purchases. SB 369 would prohibit PSD's commission deposits to the SAVIN system prompting the Legislature to fund approximately \$300,000 to \$400,000 of the State general funds to meet the statutory obligations.

HPA respectfully request that SB 369 be deferred for the reasons stated above.

Thank you for the opportunity to present this testimony.



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

TO: The Honorable Glenn Wakai, Chair
The Honorable Brandon J.C. Elefante, Vice Chair
Senate Committee on Public Safety and Intergovernmental and Military Affairs

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: Senate Bill 369, Relating to Telephone Services for Committed Persons
Hearing: Wednesday, February 1, 2023; 3:00 p.m.
State Capitol, Room 225

Chair Wakai, Vice Chair Elefante, and Members of the Committee:

The Hawaii Correctional System Oversight Commission (the Commission) **supports** Senate Bill 369, Relating to Telephone Services for Committed Persons, which seeks to limit the cost of phone calls between inmates and their families and friends. Maintaining meaningful contact with families and significant others is essential to the successful re-entry of persons exiting incarceration. Often, inmates and their families are poor and cannot afford the cost of the calls.

The Department of Public Safety contracts with a private company to manage the inmate phone system and receives a percentage of the cost levied back into its coffers. We believe the Department should not be receiving any commission payment that is borne by the incarcerated population. The exorbitant cost of inmate phone calls rose to the level of the Federal Communications Commission (FCC) amending its rules to address at least part of this problem:

As part of the FCC's efforts to ensure that rates for interstate and international phone calls are just and reasonable for all Americans, the agency is working to rein in the excess rates and egregious fees on phone calls paid by some of society's most vulnerable people: families trying to stay in touch with loved ones serving time in jail or prison.

[fcc.gov/consumers/guides/telephone-service-incarcerated-individuals]

The FCC has also significantly reduced industry consolidation, which was limiting competition and further driving up the cost of inmate phone calls.

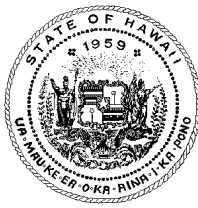
The Commission is concerned with strictly prohibiting the Department of Public Safety from "entering into or renewing any contract with any privately owned prison telephone communications provider" without providing the Department with the means to implement some of the elements of a contracted service. For example, blocking numbers to prevent inmates from calling (and potentially harassing)

Testimony of the Hawaii Correctional System Oversight Commission
SB 369, Relating to Telephone Services for Committed Persons
Thirty-Second Legislature, 2023

victims and witnesses involved with their case and preventing call forwarding to such numbers. We defer to the Department as to how to address these issues.

Thank you for the opportunity to testify.

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, Hawaii 96813
Telephone: 808 587-1143
Fax: 808 587-1146

TESTIMONY ON SENATE BILL 369
RELATING TO TELEPHONE SERVICES FOR COMMITTED PERSONS

by
Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

Senate Committee on Public Safety and Intergovernmental and Military Affairs
Senator Glenn Wakai, Chair
Senator Brandon J.C. Elefante, Vice Chair

Wednesday, February 1, 2023; 3:00 PM
State Capitol, Conference Room 225 & Videoconference

Good afternoon Chair Wakai, Vice Chair Elefante, and Members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify before you today. The Commission strongly opposes the passage of Senate Bill 369. Senate Bill 369 undermines the funding for the Statewide Automated Victim Information and Notification (SAVIN) Program and will ultimately jeopardize the safety of crime victims and the community by depriving crime victims of the ability to exercise their right to be informed about the movement of offenders, and to be notified and heard during the parole process.

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 SAVIN Governance Committee, which guides the SAVIN Program in Hawai'i. The Governance Committee is comprised of county victim service providers and advocates, crime victims, technology experts, and members of the criminal justice community.

The SAVIN Program receives no state general funds, but is instead funded in large part from inmate phone usage revenue plus a 4% surcharge against inmate commissary purchases. Eliminating the inmate phone usage revenue, which provides a majority of the funding for the SAVIN Program, will effectively end the SAVIN Program in Hawai'i.

The SAVIN Program has provided tens of thousands of notifications to crime victims, witnesses, survivors, victim service providers, law enforcement agencies, and concerned members of the public with timely information in advance of changes in an offender's custody status. The ability of crime victims to have input in decision making about the appropriateness of an offender's release, and the

impact of the offender's release on the victim's safety, as well as on the safety of the public, is dependent on timely notification to the crime victim which the SAVIN Program provides.

Prior to the establishment of SAVIN, the Department of Public Safety provided manual notification through the county victim assistance programs. This manual notification system was not uniformly applied in each of the counties, was only available during regular business hours, and resulted, in some cases, with untimely notification made to victims and witnesses.

Numerous crime victims were unable to exercise their right to speak at the offender's parole hearing, were traumatized when they were not notified timely in advance about the offender's release, or were endangered and unable to plan for their safety when they did not receive timely advance notification of the offender's release or escape.

The elimination of the SAVIN Program will endanger crime victims, undermine the safety of the community, and leave many victims unable to exercise their statutory rights.

Thank you for providing the Commission with the opportunity to testify in strong opposition of Senate Bill 369.

TESTIMONY ON S.B. 369

RELATING TO TELEPHONE SERVICES TO COMMITTED PERSONS.

by

Randi U. Barretto, Chairperson
SAVIN Governance Committee

SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL
AND MILITARY AFFAIRS

Senator Glenn Wakai, Chair
Senator Brandon J.C. Elefante, Vice Chair

Wednesday, February 1, 2023, 3:00 PM
State Capitol Conference Room 229 and Via Videoconference

Good afternoon, Chair Wakai, Vice Chair Elefante, and Members of the Senate Committee on Public Safety Intergovernmental and Military Affairs. Thank you for the opportunity to provide written testimony **opposing** this measure.

As a representative of the Crime Victim Compensation Commission on the State Automated Victim Information and Notification (SAVIN) Governance Committee (SGC), I also serve as the Chairperson.

The SGC was established by H.R.S. Section 353-137 to make recommendations to the Department of Public Safety (PSD) on the implementation, operation, management, and evaluation of the SAVIN Program. The SGC works closely with PSD to increase public safety by ensuring that crime victims are given timely and accurate information and notifications about the offender that both enhances the victim's ability to protect themselves and ensures they can fully participate in the criminal justice process if they so choose.

In 2012, the Legislature established the SAVIN Program and created a dedicated funding source, the SAVIN Special Fund. This Fund helps sustain the SAVIN system, which offers crime victims and the community free, anonymous, and confidential access to timely information and notifications 24-hours a day, 365 days a year on the custody and parole status of offenders under the jurisdiction of PSD.

The SAVIN Special Fund receives no general funds, and per H.R.S. 353-136, funding is derived from 1) a four percent (4%) assessment against inmate commissary purchases; and 2) revenue from proceeds derived from commission on inmate phone usage.

Senate Bill (SB) 369, prohibits PSD from receiving any commission payments from telephone service providers based on inmate telephone calls. This measure eliminates the primary funding source (telephone tax) which sustains the SAVIN Program, therefore undermining the safety of

the community, endangering the safety of crime victims, and limiting crime victims' from exercising their statutory rights.

Thank you for the opportunity to provide written testimony **strongly opposing** SB 369.

Rebecca V. Like
Prosecuting Attorney



Keola Siu
First Deputy
Prosecuting Attorney

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

3990 Ka'ana Street, Suite 210, Lihue, Hawai'i 96766

808-241-1888 ~ FAX 808-241-1758

Victim/Witness Program 808-241-1898 or 800-668-5734

January 31, 2023

RE: S.B. 369; RELATING TO TELEPHONE SERVICES FOR COMMITTED PERSONS

Chair Wakai, Vice Chair Elefante and members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs, the Office of the Prosecuting Attorney for the County of Kaua'i submits the following testimony in **OPPOSITION** of S.B. 369.

Our Office agrees that maintaining connections are critical to reduce recidivism for incarcerated people. However, this consideration needs to be weighed against what the monies are used for as well as the actual cost to incarcerated folks.

Currently, the commissions are used to fund SAVIN (State Automated Victim Information Notification System). This program, which is administered by the Department of Public Safety (DPS), allows anyone, including victims to access information and notifications about the status of offenders under the jurisdiction of DPS. If an offender is released or moved, those signed up for SAVIN notifications should receive a text, email and/or phone call (they get to decide which).

Further, the current ViaPath system allows the recording of inmate conversations. This provides another level of protection for victims because it creates evidence of threats of force or violations of restraining or protective orders by offenders.

For the above reasons, the Office of the Prosecuting Attorney for the County of Kaua'i respectfully submits the above comments opposing the passage of S.B. 369. Thank you for the opportunity to testify on this matter.

SB-369

Submitted on: 1/30/2023 7:48:00 AM

Testimony for PSM on 2/1/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
DeMONT Kalai Manaole	Testifying for Na Kanaka for Federal Recognition	Support	Written Testimony Only

Comments:

We **STRONGLY SUPPORT** this measure. As having first hand experience in this matter, prisoners are subjected to every whim of prison administrators. We have no choice but to be forced to accept whatever the prison administrators place upon us.

The phone system is virtually the last hope of keeping in direct contact with our families in **REAL-TIME!!!** To be held hostage to this financial burden of phone calls, discourages phone calls and leads to strains on familial relationships.

This is a great bill. Please pass this measure.

SB-369

Submitted on: 1/30/2023 8:16:54 AM

Testimony for PSM on 2/1/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Rich	Testifying for Women's Prison Project	Support	Written Testimony Only

Comments:

COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL
AND MILITARY AFFAIRS

Senator Glenn Wakai, Chair

Senator Brandon J.C. Elefante, Vice Chair

Wednesday, February 1, 2023

3:00 PM

Conference Room 225 & Videoconference State Capitol

SUPPORT OF SB369 RELATING TO TELEPHONE SERVICES FOR COMMITTED PERSONS

Women's Prison Project strongly supports SB369 RELATING TO TELEPHONE SERVICES FOR COMMITTED PERSONS, which prohibits the Department of Public Safety from receiving any commission payment from telephone service providers based on inmate phone calls. It also prohibits the Department of Public Safety from entering into or renewing any contract with any privately owned prison telephone communications provider. These commissions have been found by the FCC to be significant factors in excessive phone rates charged to incarcerated individuals and their families.

For over a decade, there has been a national movement to ensure reasonable, affordable phone rates that support ongoing communication between incarcerated persons and their family members. Expensive phone rates place a financial burden on families that are often already

financially stressed and on people in prison who have limited money and very limited contact with family and other supportive persons in the community.

There is substantial research indicating that maintaining family relationships and a community support system are key factors in reducing recidivism and supporting the mental health of incarcerated persons, and reduced recidivism will make communities safer.

The Prison Policy Initiative, a national advocacy organization, advises that some corporations and state corrections systems have circumvented restrictions on commissions by creating multiple special fees that have the same effect and result in the same pattern of excessive costs for phone use. We also note that some states have eliminated phone call fees entirely as they move toward rehabilitative practices based on research on the prevention of recidivism.

Thank you for the opportunity to provide this testimony in support of SB369.

Linda Rich

On behalf of Women's Prison Project

SB-369

Submitted on: 1/30/2023 5:05:10 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Toby Wilson	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose Senate Bill 369. This Bill prohibits the Department of Public Safety from receiving any commission payment from telephone service providers based on inmate phone calls as well as prohibiting the Department of Public Safety from entering into or renewing any contact with any privately owned prison telephone communications provider.

I understand the importance and value of communication between offenders and family members not only for mental well-being but also to promote growth & rehabilitation as well as to reduce recidivism. I'm also an advocate for restorative justice, but not at the expense of victims and survivors.

The commission revenue generated by the existing arrangement & contract is deposited into a Special Fund that supports the Statewide Automated Victim Information Notification System (SAVIN). The Hawaii SAVIN program provides victims, survivors and concerned citizens free, anonymous, and confidential access to timely information and notification 24/7 365 days a year on the custody and parole status of offenders under the jurisdiction of the State of Hawaii's Department of Public Safety. It is an invaluable resource for victims and survivors such as me. It is the only system in Hawaii providing automated notifications that are important to the safety and security of victims, survivors, and the community.

The telephone commission revenue received by the Department of Public Safety is the primary source of funding for the Hawaii SAVIN program. It is one of only two funding sources, and it is by far the largest funding source accounting for between 60-90% of the revenue depending on the month. These funds are essential to keep SAVIN and the SAVIN Coordinator position operational ensuring that victims and survivors of crime are promptly notified of any changes in their perpetrator's custody. Without these funds there will be a disruption in the notifications, communication and connection to victims, survivors, community service providers and other concerned citizens as well as a loss of the ability to do system queries, follow-up on victim/survivor inquiries and other related services. This will result in additional victimization of victims and survivors plus the reduced safety of our community.

Thank you for providing me the opportunity to present this testimony in opposition to Senate Bill 369.

SB-369

Submitted on: 1/30/2023 8:56:55 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Communication between incarcerated and committed individuals and their families is an important factor in the healing process, and therefore in reducing recidivism. At present, the cost of a 15-minute call from within a Hawai'i institution can be as much as \$13.30. This absurdly high cost is borne by the families of committed individuals, who often live in conditions of financial hardship. Meanwhile, the Department of Public Safety received some \$500,000 in commission payments between 2010–15 from its contracts with private telecommunication services. There is no place within the criminal-legal system that profit motive does not cause harm, and this is just one example. Criminal justice should be about justice and healing, not profiteering. Please pass SB369 and end this injustice within the system.



HAWAI'I STATE
COALITION AGAINST
DOMESTIC VIOLENCE

February 1, 2023

Members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs:

Chair Glenn Wakai
Vice Chair Brandon J.C. Elefante
Sen. Carol Fukunaga
Sen. Angus L.K. McKelvey
Sen. Brenton Awa

Re: SB369 Relating to Telephone Services for Committed Persons

Dear Chair Wakai, Vice Chair Elefante and Members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs:

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 opposition of SB369, prohibiting the Department of Public Safety from receiving any commission payment from telephone service providers based on inmate phone calls. This proposed bill would eliminate the primary funding source for the Statewide Automated Victim Information System (SAVIN), which is responsible for offering crime victims and concerned citizens free, anonymous, and confidential access to information regarding an offender's custody and parole statuses.

Since SAVIN's funds come primarily from this phone tax, in addition to a 4% surcharge against inmate commissary purchases, this bill would effectively end the SAVIN program. Without this program, victims and concerned citizens would most likely receive manual notifications from DPS, which has the potential to lead to untimely notifications that could result in missing a parole hearing or not having knowledge that an offender was released from custody.

These effects could be very detrimental to survivors of domestic violence, especially those who experience PTSD, anxiety, depression, or other psychological effects from abuse. They deserve time to prepare themselves for their offender's potential release from custody and they have the right to know about and speak at a parole hearing. Without these timely notifications, survivors are in danger of not being physically, emotionally, or mentally prepared for the



HAWAI'I STATE
COALITION AGAINST
DOMESTIC VIOLENCE

possible release or parole of their offender. Therefore, the elimination of the SAVIN program leaves survivors of domestic violence at risk of being retraumatized and revictimized by offenders.

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

Sincerely,

Angelina Mercado, Executive Director

LATE

Dennis M. Dunn

Kailua, Hawaii 96734

dennismdunn47@gmail.com

Re: SB 369, Relating to Telephone Services for Committed Persons

Date: February 1, 2023

To: Senate Committee on Public Safety and Intergovernmental and Military Affairs

Good afternoon Chair Wakai , Vice Chair Elefante, and Members of the Senate Committee on Public Safety and Intergovernmental and Military Affairs. My name is Dennis Dunn, and I recently retired as Director of the Victim Witness Kokua Services in the Honolulu Prosecuting Attorney's Office after 44 years of service. Prior to that I was a volunteer Victim Advocate for People Against Rape. It is through the lens of my many years of assisting crime victims that I am testifying in **strong opposition to SB 369**, Relating to Telephone Services for Committed Persons.

The provisions of SB 369 would eliminate a critical funding source for SAVIN, the State's Automated Victim Notification System. The establishment of SAVIN by the Legislature in 2012 was a monumental accomplishment for crime victims in Hawaii as it insured automated notifications about the custody status of individuals in the custody of the Department of Public Safety on a 24/7 basis. The SAVIN system ensures that critical information relating to victim safety is available to victims on a timely basis, allowing them to make important decisions and take timely actions to protect themselves from offenders. To ensure that the SAVIN system was reliable and sustainable the Legislature established several funding streams derived from offenders as illustrated in the excerpted language from HRS Section 353-16 below.

[\$353-136] Automated victim information and notification system special fund; authorization of payment. (a) There is established a special fund to be known as the automated victim information and notification system special fund, to be administered by the department. Interest and investment earnings credited to the assets of the fund shall become part of the fund. Any remaining balance in the fund at the end of any fiscal year shall be carried over to the next fiscal year.

(b) Any item purchased by an in-state or out-of-state inmate from a correctional facility commissary shall be subject to a four per cent surcharge on the item's price. The proceeds from the surcharge shall be deposited into the automated victim information and notification system special fund.

(c) All proceeds or revenues that are derived from any commission that is realized pursuant to a telephone service agreement executed by the department for the provision of telephone services for inmates shall be deposited into the automated victim information and notification system special fund.

(d) Moneys received pursuant to subsections (b) and (c) shall be used for the development and operating expenses, including salaries and benefits of positions as authorized by the legislature, of the system.

(e) The sum total of all moneys expended for development and operating expenses, including salaries and benefits of positions as authorized by the legislature, shall not exceed the special fund ceiling related to the fund established by the legislature; provided that the total moneys expended for these purposes shall not exceed \$600,000 in any one fiscal year.

(f) Federal funds shall not be transferred to, or deposited into, the automated victim information and notification system special fund. [L 2012, c 190, pt of §1]

Without these dedicated funding streams victims and their families would not be assured of receiving important custody updates that they have signed up for, thus creating additional anxiety and trauma. Please do not eliminate or weaken this important statutory provision. Crime victims and their families are counting on you. **Please defer SB 369.**

Mahalo!