



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339  
Honolulu, Hawaii 96809-0339

March 30, 2015

**MEMORANDUM**

**TO:** The Honorable Gilbert Keith-Agaran, Chair  
Senate Committee on Judiciary and Labor

**FROM:** Rachael Wong, DrPH, Director

**SUBJECT: H.B. 1272 HD2 SD1- RELATING TO MOVIE THEATERS**

**Hearing:** Tuesday, March 31, 2015; 9:35 a.m.  
Conference Room 016, State Capitol

**PURPOSE:** The purpose of this measure is to remove communication barriers at motion picture theaters for individuals who are deaf, hard of hearing, blind or have low vision by requiring motion picture theaters that operate more than two facilities in the State and are open to the general public to provide movie captioning and descriptive narration during at least two showings per week of each motion picture that is offered for viewing and making a violation of these discriminatory practice.

**DEPARTMENT'S POSITION:** The Division of Vocational Rehabilitation (DVR) of the Department of Human Services (DHS) strongly supports the intent and purpose of HB 1272 HD2 SD1 to provide equal access to persons who are deaf, hard of hearing as well as persons who are blind or have low vision in accessing the recreational services afforded citizens via the offerings from various movie theaters,

The mission of DHS is to empower our most vulnerable people and to expand their capacity for self-sufficiency, self-determination and independence. HB1272 HD2 SD1 will further open the doors to full inclusion that was initiated and continues with the Rehabilitation Act of 1931 and the Americans with Disabilities Act (ADA) of 1990 as amended in 2008. The proposed measure will allow the same opportunities to enjoy a movie by all citizens of Hawai`i.

The DHS defers to the Hawaii Civil Rights Commission regarding enforcement of this measure. The DHS defers to the Disability and Communication Access Board with regard to the type of captioning, closed or open, required by the ADA.

Thank you for the opportunity to provide testimony on this matter.



**STATE OF HAWAII**  
STATE COUNCIL  
ON DEVELOPMENTAL DISABILITIES  
919 ALA MOANA BOULEVARD, ROOM 113  
HONOLULU, HAWAII 96814  
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543  
March 31, 2015

The Honorable Gilbert S.C. Keith-Agaran, Chair  
Senate Committee on Judiciary and Labor  
Twenty-Eighth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Senator Keith-Agaran and Members of the Committee:

SUBJECT: HB1272 HD2 SD1- Relating to Movie Theaters

The State Council on Developmental Disabilities (DD) **SUPPORTS HB 1272 HD2 SD1**. The bill proposes to require motion picture theater operators in more than two locations in the State to provide open movie captioning during at least two showings per week of each motion picture that is produced and distributed with auxiliary aids and services, and requires motion picture theater operators in the State to provide audio description upon request of any motion picture that is produced and offered with audio description.

Closed captioning provides a display of text on a screen or other visual display that provides additional or interpretive information of what is being presented. This process would provide access and enable individuals who are deaf or hard of hearing to enjoy movies in the similar manner as those who do not require closed captioning.

Thank you for the opportunity to submit testimony **supporting HB 1272 HD2 SD1**.

Sincerely,

Waynette K.Y. Cabral, M.S.W.  
Executive Administrator

Rosie Rowe  
Chair



## DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814  
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

March 31, 2015

### TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR

#### House Bill 1272, HD2, SD1 – Relating to Movie Theaters

The Disability and Communication Access Board (DCAB) supports House Bill 1272, HD2, SD1. We note that several theaters in the community do already provide audio description, upon request.

The purpose of House Bill 1272, HD2, SD1 is to amend §347-13, Hawaii Revised Statutes (HRS), by adding a new provision to require certain motion picture theaters open to the public to provide open captions and descriptive narration of each motion picture being shown.

The proposed law would address the discriminatory effects of communication barriers at movie theaters encountered by individuals who are deaf or hard of hearing or are blind or have low vision. By ensuring that movie theaters screen those movies that are produced and distributed with the necessary auxiliary aids and services — captioning and audio description — and that theaters provide the individual devices needed to deliver services to patrons with these particular disabilities, this law would afford such individuals an equal opportunity to attend movies and follow both the audio and visual aspects of movies exhibited at movie theaters.

DCAB has no objections to any of the amendments proposed by the Hawaii Civil Rights Commission.

Thank you for the opportunity to testify.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG  
Chairperson  
Legislative Committee

FRANCINE WAI  
Executive Director



# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 ·PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

March 31, 2015  
9:35 a.m.  
Conference Room 016

To: The Honorable Gilbert Keith-Agaran, Chair  
and Members of the Senate Committee on Judiciary and Labor

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 1272, H.D.2, S.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai‘i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

H.B. No. 1272, H.D.2, S.D.1, if enacted, would amend HRS Chapter 489 to require motion picture theaters that have more than two facilities in the state to provide open movie captioning for at least two showings per week of each motion picture offered for viewing, and audio description upon request for any motion picture that is produced and offered with audio description.

The HCRC supports H.B. No. 1272, H.D.2, S.D.1, with suggested amendments for clarity and consistency with the proposed federal Department of Justice rules regarding movie captioning and audio description. HCRC staff has discussed the

proposed S.D.2 with staff from the Disability and Communication Access Board (DCAB) and, based on that discussion, both agencies agree with the amendments offered in the attached proposed S.D.2.

The proposed S.D.2 makes it clear that the state law requirements for showings with open captioning and audio description apply only to motion pictures that are produced and offered with those features. The proposed state law requirement of two showings per week of motion pictures with open captioning (similar to subtitling) goes farther than the requirements of the proposed DOJ regulations, which require only closed captioning. This is an important distinction, because deaf and hearing impaired persons and advocates for their rights have testified that closed captioning, read with the use of special theater glasses, does not provide equal enjoyment of the motion picture experience that is provided by open captioning.

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## A BILL FOR AN ACT

RELATING TO MOVIE THEATERS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

SECTION 1. Chapter 489, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

**"§489- Motion picture theater accommodation.** (a)

~~[Every]~~ A public accommodation that owns, leases, leases to, or operates a motion picture theater ~~[operator]~~ in more than two locations in the State ~~[to which the general public is invited]~~ shall provide open movie captioning during at least two showings per week of each motion picture that is ~~[offered for viewing]~~ produced and offered with open movie captioning.

(b) ~~[Every]~~ A public accommodation that owns, leases, leases to, or operates a motion picture theater ~~[operator]~~ in the State ~~[that offers motion pictures for viewing to the general public]~~ shall provide audio description of any

motion picture that is produced and offered with audio description, upon request.

(c) A violation of this section shall be a discriminatory practice.

(d) This section shall apply to motion pictures that are produced and distributed with the necessary auxiliary aids and services, including captioning and audio description. This section shall not prohibit the showing of a motion picture that is produced and distributed without captioning and audio description; provided that a public accommodation that owns, leases, leases to, or operates a motion picture theater ~~[operators]~~ shall provide notice to the public if a motion picture offered for viewing ~~[in a motion picture theater]~~ is produced and distributed without captioning ~~[and]~~ or audio description.

(e) For the purposes of this section, "motion picture theater" means a movie theater, screening room, or other venue in use primarily for the exhibition of a motion picture.

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect on January 1, 2016.

March 28, 2015

TESTIMONY TO THE SENATE COMMITTEE ON JUDICARY AND LABOR

House Bill 1272 HD2 SD1 - Relating to Movie Theaters

Aloha State Association of the Deaf is in support of H.B. 1272 HD2 SD1 requiring movie theaters to show open-captioned films in the State of Hawaii.

It is time to have open-captioned films in all movie theatres instead of having to wear closed captioning devices such as glasses, or a rear-view plastic panel mounted on a flexible stalk to view the captioning, and other types of closed captioning devices. I would like to go to a movie theater with open captioning displayed on the screen without a device.

The Deaf and Hard of Hearing should not be forced to wear or use special equipment to read the captioning. Open captioning provides equal access to watching movies just like hearing people watch movies with audio.

Hearing people are not required to wear or use special devices to listen and watch the movie. The passage of H.B. 1272 HD2 SD1 will provide equal access to movie theaters for the Deaf and Hard of Hearing. I also support equal access for the Blind to movies theaters.

Thank you for the opportunity to testify.

Aloha,  
Colleen Cidade  
President

March 29, 2015

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR

House Bill 1272 HD2 SD1 – Relating to Movie Theaters

Aloha,

My name is Mala Arkin and I am in support of H.B. 1272 HD2 SD1 requiring movie theaters to show open-captioned films in the State of Hawaii.

It is time to have open-captioned films in all movie theaters instead of having to wear closed captioning devices such as glasses, or a rear-view plastic panel mounted on a flexible stalk to view the captioning, and other types of closed captioning devices. I would like to go to a movie theater with open captioning displayed on the screen without a device.

The Deaf and Hard of Hearing should not be forced to wear or use special equipment to read the captioning. Open captioning provides equal access to watching movies just like hearing people watch movies with audio.

Hearing people are not required to wear or use special devices to listen and watch the movie. The passage of H.B. 1272 HD2 SD1 will provide equal access to movie theaters for the Deaf and Hard of Hearing. I also support equal access for the Blind to enjoy movies theaters.

Thank you for the opportunity to testify.

Mahalo,  
Mala Arkin  
Honolulu, HI

March 28, 2015

TESTIMONY TO THE SENATE COMMITTEE ON JUDICARY AND LABOR

House Bill 1272 HD2 SD1 - Relating to Movie Theaters

Gallaudet University Alumni Association – Hawaii Chapter is in support of H.B. 1272 HD2 SD1 requiring movie theaters to show open-captioned films in the State of Hawaii.

It is time to have open-captioned films in all movie theatres instead of having to wear closed captioning devices such as glasses, or a rear-view plastic panel mounted on a flexible stalk to view the captioning, and other types of closed captioning devices. I would like to go to a movie theater with open captioning displayed on the screen without a device.

The Deaf and Hard of Hearing should not be forced to wear or use special equipment to read the captioning. Open captioning provides equal access to watching movies just like hearing people watch movies with audio.

Hearing people are not required to wear or use special devices to listen and watch the movie. The passage of H.B. 1272 HD2 SD1 will provide equal access to movie theaters for the Deaf and Hard of Hearing. I also support equal access for the Blind to movies theaters.

Thank you for the opportunity to testify.

Aloha,  
Christine Holmes  
President

March 28, 2015

TESTIMONY TO THE SENATE COMMITTEE ON JUDICARY AND LABOR

House Bill 1272 HD2 SD1 - Relating to Movie Theaters

Hawaii Deaf Surfriders Association is in support of H.B. 1272 HD2 SD1 requiring movie theaters to show open-captioned films in the State of Hawaii.

It is time to have open-captioned films in all movie theatres instead of having to wear closed captioning devices such as glasses, or a rear-view plastic panel mounted on a flexible stalk to view the captioning, and other types of closed captioning devices. I would like to go to a movie theater with open captioning displayed on the screen without a device.

The Deaf and Hard of Hearing should not be forced to wear or use special equipment to read the captioning. Open captioning provides equal access to watching movies just like hearing people watch movies with audio.

Hearing people are not required to wear or use special devices to listen and watch the movie. The passage of H.B. 1272 HD2 SD1 will provide equal access to movie theaters for the Deaf and Hard of Hearing. I also support equal access for the Blind to movies theaters.

Thank you for the opportunity to testify.

Aloha,  
Kaimi Seminara  
President



**MOTION PICTURE ASSOCIATION OF AMERICA, INC.**  
1600 EYE STREET, NORTHWEST  
WASHINGTON, D.C. 20006  
(202) 293-1966

**STATEMENT IN OPPOSITION TO HAWAII HOUSE BILL 1272**  
**SENATE COMMITTEE ON JUDICIARY & LABOR**  
**MARCH 31, 2015**

Mr. Chairman and members of the Committee, thank you for the opportunity to appear before you. I represent the Motion Picture Association of America, Inc. (MPAA), and its members which include Disney, Fox, NBCUniversal, Paramount Pictures, Sony Pictures and Warner Bros. CBS is an associate member. Let me say at the outset, these companies want everyone who wants to enjoy a motion picture in a movie theatre to be able to partake of the theatre-going experience. And the issue of accessibility for the deaf and hard-of-hearing, as well as for the blind and visually impaired, has advanced tremendously in the last several years.

Movies are now delivered to movie theatres digitally. Nearly every movie released by MPAA member companies contains closed captioning and audio descriptions for the deaf and hard-of-hearing patrons, as well as the blind and visually impaired patrons. In fact the U.S. Department of Justice has noted that movie studios are “committed to making their movies accessible to individuals who are deaf or hard of hearing or blind or have low vision” and the Department commended these companies for their efforts.

This bill is not necessary at this time. It would set a standard in this state, separate and apart from all the other states. No other state has enacted any legislation in this area. The U.S. Department of Justice will soon issue regulations that will set forth a national standard for all – the motion picture distributors, the theatres, as well as the theatre-going community. As the Department has stated, its regulations “will provide a consistent nationwide standard for movie theaters to exhibit movies with closed movie captioning and audio description for all showings of movies that are available with closed movie captioning or audio

description.” We urge this Committee to defer to the rulemaking process well underway at the Justice Department, a process that has been very thorough and deliberate, involving all stakeholders. Passing a bill at this time will likely cause a conflict with the rules that will be imminently issued by the DOJ.

Finally, this bill is unconstitutional, as it requires and compels speech, in the form of open captioning, as elaborated in our Memorandum of Opposition. Enacting the bill will likely invite a lawsuit, which will come at great cost to the state.

In conclusion, members of this Committee, let me clearly state that these companies are committed to and engaged in providing a great movie-going experience for all audiences. MPAA member companies have embraced new technology that facilitates easier access of motion pictures with closed captioning and audio descriptors. The companies will continue look for opportunities to improve access of the deaf, hard-of-hearing, blind and visually impaired communities.

We urge a “no” vote on HB 1272. Thank you for your consideration.

# Radcliffe & Associates, LLC

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222 South Vineyard Street, Suite 401, Honolulu, HI 96813-2453 Phone (808) 524-4459 Fax (808) 599-4340

Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Maile S.L. Shimabukuro, Vice Chair  
Committee on Judiciary And Labor  
Hawaii State Capitol, Room 016

March 30, 2015

**RE: HB1272 HD2 SD1 Relating to Movie Theaters**

Dear Chair Keith-Agaran, Vice Chair Shimabukuro and Members of the Committee:

My name is John Radcliffe, I represent the Motion Picture Association of America and we oppose HB1272 HD2 SD1 as being unworkable, unnecessary, and unconstitutional.

Accessibility to movies is extremely high on the list of things that the MPAA focuses on. The more people who can access our films, the better. To that end, all MPAA studios already caption all films. There are some small, independent studios who do not always make captioned movies available, but the number is very small. Nonetheless, this legislation, were it to pass, would be the only such legislation in the United States. Theater owners tell us that they simply cannot make open captioning work.

The National Association of Theatre Owners (NATO), has prepared and submitted testimony on this bill, and has also submitted a White Paper on this issue. They point out that after long but fruitful negotiations, they and the following organizations representing 48 millions of deaf and hard of hearing Americans have already agreed on a national fix:

- Alexander Graham Bell Association
- Association of Late Deafened Adults
- Hearing Association of the Deaf

The United States Department of Justice is tasked with the responsibility of providing national regulations, and those regulations are imminent, due out in September of this year. As NATO points out, the Department of Justice and the national advocacy groups for the deaf and hard of hearing have already reached an historic national agreement on captioning requirements.

Finally, even if other theater goers would accept open captioning, even if the work of new regulation had not already been done, and about to bear fruit in a few months, the legislation violates the First Amendment as being compelled speech. Government, even our state government here in Hawaii, simply cannot direct how speech is said or directed. Government cannot legally require open captioning because the statute would require all motion pictures to be presented in a certain way when other, less restrictive alternatives exist—and that is simply and flatly, unconstitutional on its face.

Thank you for the opportunity to submit written comments.

Sincerely,

John H. Radcliffe  
President

**From:** [Albert Marsh](#)  
**To:** [JDLTestimony](#)  
**Subject:** House Bill 1272  
**Date:** Monday, March 30, 2015 6:13:16 AM

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March 28, 2015

## TESTIMONY TO THE SENATE COMMITTEE ON JUDICARY AND LABOR

House Bill 1272 HD2 SD1 - Relating to Movie Theaters

My name is Albert Marsh. I am in support of H.B. 1272 HD2 SD1 requiring movie theaters to show open-captioned films in the State of Hawaii.

It is time to have open-captioned films in all movie theatres instead of having to wear closed captioning devices such as glasses, or a rear-view plastic panel mounted on a flexible stalk to view the captioning, and other types of closed captioning devices. I would like to go to a movie theater with open captioning displayed on the screen without a device.

The Deaf and Hard of Hearing should not be forced to wear or use special equipment to read the captioning. Open captioning provides equal access to watching movies just like hearing people watch movies with audio.

Hearing people are not required to wear or use special devices to listen and watch the movie. The passage of H.B. 1272 HD2 SD1 will provide equal access to movie theaters for the Deaf and Hard of Hearing. I also support equal access for the Blind to movies theaters.

Thank you for the opportunity to testify.

Aloha,  
Albert Marsh  
Makakilo, HI

March 30, 2015

TESTIMONY TO THE SENATE COMMITTEE ON JUDICARY AND LABOR

House Bill 1272 HD2 SD1 - Relating to Movie Theaters

My name is Ami Tsuji-Jones. I am in support of H.B. 1272 HD2 SD1 requiring movie theaters to show open-captioned films in the State of Hawaii.

I would love it if the movie theaters provide open-captioned films again because I absolutely HATE wearing the glasses! It's not a pleasant experience wearing the glasses while watching a movie. Many times I had to leave in the middle of a movie to go to the box office because the captions were either not there or not correct.

Also, I have tried the rear-view plastic panel mounted, I often had to hold it and/or adjust it many times during the movie. I miss watching the open-captioned films and want them back again! I just want to be device-free during the movie, so I can enjoy the movie! If open-captioned movie was working fine, then don't fix it if it's not "broken"!

Hearing people are not required to wear or use special devices to listen and watch the movie for their enjoyment and I would like to see us Deaf and Hard of Hearing have the same enjoyment without the glasses or the rear-view plastic panel mounted! The passage of H.B. 1272 HD2 SD1 will provide equal access to movie theaters for the Deaf and Hard of Hearing. I also support equal access for the Blind to movies theaters.

Thank you for the opportunity to testify.

Aloha,  
Ami Tsuji-Jones  
Honolulu, Hawai'i

ART FRANK  
84-718 FARRINGTON HIGHWAY  
WAIANAE, HI 96792  
March 29, 2015

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY

House Bill 1272 HD2, SD1 RELATING TO MOVIE THEATERS

My name is Art Frank from Makaha. I am deaf and I also utilize braces and crutches for mobility. As a multi-disabled individual I have fought for accessibility for the deaf as well as other persons with disabilities for over 30 years starting in 1981. This bill for me is all about accessibility, this time to the movie theaters. Thirty four years ago the deaf didn't have accessibility to this legislature because you did not provide sign language interpreters so we could communicate and understand you. It took six years before you provided sign language interpreters for us. At the same time in 1981 we fought for a Telecommunications Relay Service (TRS) so we deaf could call our legislators, and other in the hearing world. That took 11 years. In addition people like me and my friends in wheelchairs needed accessible parking in this building. That didn't happen until 1996. In 1990 I urged the Joint Committee on Equal Access to provide disabled parking in this building after completion of extensive renovations scheduled I believe, from 1991 to 1995. The point I'm trying to make, it took years in the past to convince our legislature to provide us accessibility, so today I'm asking you to pass this bill now and not make us wait for years again. Thank you very much.

ART FRANK,  
MAKAHA, WAIANAE COAST

March 29, 2015

Testimony by **Billy Kekua**

Support for H.B. 1272 Relating to Movie Theaters

Senator Gilbert S.C. Keith-Agaran, Chair

Senator Maile S.L. Shimbukuro, Vice-Chair

Committee on Judiciary and Labor

Please pass the bill. It is very important to me that the Deaf community should be able to enjoy the same benefits as for hearing movie-goers. I want to laugh, learn, and linger around afterwards with friends and discuss about the movie. Please help to take the barriers down.

Mahalo and Malama Pono.

March 28, 2015

TESTIMONY TO THE SENATE COMMITTEE ON JUDICARY AND LABOR

House Bill 1272 HD2 SD1 - Relating to Movie Theaters

My name is Christine Holmes. I am in support of H.B. 1272 HD2 SD1 requiring movie theaters to show open-captioned films in the State of Hawaii.

It is time to have open-captioned films in all movie theatres instead of having to wear closed captioning devices such as glasses, or a rear-view plastic panel mounted on a flexible stalk to view the captioning, and other types of closed captioning devices. I would like to go to a movie theater with open captioning displayed on the screen without a device.

The Deaf and Hard of Hearing should not be forced to wear or use special equipment to read the captioning. Open captioning provides equal access to watching movies just like hearing people watch movies with audio.

Hearing people are not required to wear or use special devices to listen and watch the movie. The passage of H.B. 1272 HD2 SD1 will provide equal access to movie theaters for the Deaf and Hard of Hearing. I also support equal access for the Blind to movies theaters.

Thank you for the opportunity to testify.

Aloha,  
Christine Holmes  
Liliha, Oahu

March 28, 2015

TESTIMONY TO THE SENATE COMMITTEE ON JUDICARY AND LABOR

House Bill 1272 HD2 SD1 - Relating to Movie Theaters

My name is Darlene Ewan. I am in support of H.B. 1272 HD2 SD1 requiring movie theaters to show open-captioned films in the State of Hawaii.

It is time to have open-captioned films in all movie theatres instead of having to wear closed captioning devices such as glasses, or a rear-view plastic panel mounted on a flexible stalk to view the captioning, and other types of closed captioning devices. I would like to go to a movie theater with open captioning displayed on the screen without a device.

The Deaf and Hard of Hearing should not be forced to wear or use special equipment to read the captioning. Open captioning provides equal access to watching movies just like hearing people watch movies with audio.

Hearing people are not required to wear or use special devices to listen and watch the movie. The passage of H.B. 1272 HD2 SD1 will provide equal access to movie theaters for the Deaf and Hard of Hearing. I also support equal access for the Blind to movies theaters.

Thank you for the opportunity to testify.

Aloha,  
Darlene Ewan  
Honolulu, Hawaii

**From:** [Lucy Miller](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony in Support of SB 1272 Relating to Movie Theaters  
**Date:** Sunday, March 29, 2015 1:02:53 PM

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I am deaf and I support SB 1272 requiring movie theaters in the state of Hawaii to caption films in all movie theaters for equal access to all without special devices or special showings. Hawaii has lagged behind most of the other states and it's time to provide equal access in compliance with federal laws.

Mahalo,

*Lucy*

Dr. Lucy Miller

Lihue, Hawaii

**From:** [Eileen Chiwa](#)  
**To:** [JDLTestimony](#)  
**Subject:** House Bill 1272 HD2 SD1 - Relating to Movie Theaters  
**Date:** Monday, March 30, 2015 3:18:57 PM

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March 28, 2015

TESTIMONY TO THE SENATE COMMITTEE ON JUDICARY AND LABOR

House Bill 1272 HD2 SD1 - Relating to Movie Theaters

My name is Eileen Chiwa. I am in support of H.B. 1272 HD2 SD1 requiring movie theaters to show open-captioned films in the State of Hawaii.

It is time to have open-captioned films in all movie theatres instead of having to wear closed captioning devices such as glasses, or a rear-view plastic panel mounted on a flexible stalk to view the captioning, and other types of closed captioning devices. I would like to go to a movie theater with open captioning displayed on the screen without a device.

The Deaf and Hard of Hearing should not be forced to wear or use special equipment to read the captioning. Open captioning provides equal access to watching movies just like hearing people watch movies with audio.

Hearing people are not required to wear or use special devices to listen and watch the movie. The passage of H.B. 1272 HD2 SD1 will provide equal access to movie theaters for the Deaf and Hard of Hearing. I also support equal access for the Blind to movies theaters.

Thank you for the opportunity to testify.

Aloha,  
Eileen Chiwa  
Aiea, HI

**From:** [Kathy](#)  
**To:** [JDLTestimony](#)  
**Subject:** Please support HB 1272, HD2, SD1  
**Date:** Monday, March 30, 2015 7:34:10 AM

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Hi everyone. I'm a regular deaf movie goer. Thought this bill would be great for everyone, not limited to deaf people, like hearing people who became late deaf, hard of hearing people who have difficulty to hear everything, educationally struggling children to learn to read English better, and foreign people who need to improve English faster.

I must say this bill is a great idea for everyone who have family members with hearing loss, too!

Please support this bill, thank you.

Kathy Thomas

**[HB 1272, HD2, SD1](#)**

[\(SSCR993\)](#)

[Status &  
Testimony](#)

**RELATING TO MOVIE THEATERS.**

Requires motion picture theater operators in more than two locations in the State to provide open movie captioning during at least two showings per week of each motion picture that is produced and distributed with auxiliary aids and services. Requires motion picture theater operators in the State to provide audio description upon request of any motion picture that is produced and offered with audio description. Effective [January 1, 2016](#). (SD1)

**From:**  
**To:** [JDLTestimony](#)  
**Subject:** House Bill 1272 HD2 SD1 - Relating to Movie Theaters  
**Date:** Monday, March 30, 2015 5:45:40 AM

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My name is Kay Naquin and I am writing in support of House Bill 1272 SD1 relating to movie theaters.

Speaking as a hard of hearing person, having captions in most theaters would be great. I've found that the sound systems at theaters are problematic--too loud for hearing aids, still too difficult to understand without hearing aids.

Dole offered captions at one theater and I took advantage of that option for several years but times are limited and it is a fair distance from my home. Also, I found that I would not go with friends if they invited me to another theater.

I think having captions available in all theaters will help families continue to go to movies and enjoy them together. Making the choice available islandwide is outstanding.

Thank you for your consideration,

Kay Naquin

March 28, 2015

TESTIMONY TO THE SENATE COMMITTEE ON JUDICARY AND LABOR

House Bill 1272 HD2 SD1 - Relating to Movie Theaters

My name is Keri Lee. I am in support of H.B. 1272 HD2 SD1 requiring movie theaters to show open-captioned films in the State of Hawaii.

It is time to have open-captioned films in all movie theatres instead of having to wear closed captioning devices such as glasses, or a rear-view plastic panel mounted on a flexible stalk to view the captioning, and other types of closed captioning devices. I would like to go to a movie theater with open captioning displayed on the screen without a device.

The Deaf and Hard of Hearing should not be forced to wear or use special equipment to read the captioning. Open captioning provides equal access to watching movies just like hearing people watch movies with audio.

Hearing people are not required to wear or use special devices to listen and watch the movie. The passage of H.B. 1272 HD2 SD1 will provide equal access to movie theaters for the Deaf and Hard of Hearing. I also support equal access for the Blind to movies theaters.

Thank you for the opportunity to testify.

Aloha,  
Keri Lee  
Laie, HI

March 30, 2015

**Chair Keith-Agaran, Vice Chair Shimabukuro  
Honorable Senators of the Judiciary and Labor Committee**

TESTIMONY TO THE SENATE COMMITTEE ON JUDICARY AND LABOR

House Bill 1272 HD2 SD1 - Relating to Movie Theaters

My name is Lisa Tom. I am in support of H.B. 1272 HD2 SD1 requiring movie theaters to show open-captioned films in the State of Hawaii.

It is time to have open-captioned films in all movie theatres instead of having to wear closed captioning devices such as glasses, or a rear-view plastic panel mounted on a flexible stalk to view the captioning, and other types of closed captioning devices. I would like to go to a movie theater with open captioning displayed on the screen without a device.

The Deaf and Hard of Hearing should not be forced to wear or use special equipment to read the captioning. Open captioning provides equal access to watching movies just like hearing people watch movies with audio.

Hearing people are not required to wear or use special devices to listen and watch the movie. The passage of H.B. 1272 HD2 SD1 will provide equal access to movie theaters for the Deaf and Hard of Hearing. I also support equal access for the Blind and Deaf-Blind to movies theaters.

Thank you for the opportunity to read my testimony.

Aloha,  
Lisa Tom  
Honolulu, Hawaii

**From:** [Mike Low](#)  
**To:** [JDLTestimony](#)  
**Subject:** House Bill 1272 HD2 SD1 - Relating to Movie Theaters  
**Date:** Sunday, March 29, 2015 1:32:10 PM

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March 28, 2015

## TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR

House Bill 1272 HD2 SD1 - Relating to Movie Theaters

My name is Michael Low. I am in support of H.B. 1272 HD2 SD1 requiring movie theaters to show open-captioned films in the State of Hawaii.

It is time to have open-captioned films in all movie theatres instead of having to wear closed captioning devices such as glasses, or a rear-view plastic panel mounted on a flexible stalk to view the captioning, and other types of closed captioning devices. I would like to go to a movie theater with open captioning displayed on the screen without a device.

The Deaf and Hard of Hearing should not be forced to wear or use special equipment to read the captioning. Open captioning provides equal access to watching movies just like hearing people watch movies with audio.

Hearing people are not required to wear or use special devices to listen and watch the movie. The passage of H.B. 1272 HD2 SD1 will provide equal access to movie theaters for the Deaf and Hard of Hearing. I also support equal access for the Blind to movies theaters.

Thank you for the opportunity to testify.

Aloha,  
Michael Low  
Mililani, HI

**From:** [Roberta Tanaka](#)  
**To:** [JDLTestimony](#)  
**Subject:** Testimony to the Senate Committee on Judiciary and Labor  
**Date:** Monday, March 30, 2015 3:42:02 PM

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House Bill 1272 HD2 SD1

My name is Roberta Chiwa-Tanaka. I support the H.B.1272 HD2 SD1 requiring movie theaters to show films w closed captions in the State of Hawaii.

My hearing husband, hearing son, and I, myself deaf, have been frustrated with the closed captioned glasses. Some times, glasses did not work right; we had to miss parts of the movie when one of us had to go to see the theater manager and to get the working glasses. And several parts of movie did not show closed captions on the glasses; we got into arguments and confusions when we discussed about the movie.

The films with the closed captions show everything the actors and/or documentarists speak. Therefore, I support the H.B. 1272 HD2 SD1.

Thank you.

**From:** [Rod Macdonald](#)  
**To:** [JDLTestimony](#)  
**Subject:** HB 1272 HD1 - Relating to Movie Theaters - Testimony of R.J. Macdonald  
**Date:** Sunday, March 29, 2015 1:19:26 PM

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Testimony of  
Roderick J. Macdonald

Submitted to the  
Hawaii Senate Committee on Judiciary and Labor  
Hon. Gilbert S.C. Keith-Agaran, Chair

Pertaining to  
HB 1272 HD1 - Relating to Movie Theaters

Tuesday, March 31, 2015, 9:00 aM  
Hawaii State Capitol

Mr. Chairman, Members - My name is Rod Macdonald. I am originally from New England but have lived in Honolulu for going on 18 years.

When I was growing up in the years immediately after World War II, one of my biggest joys was to go to the movies. I was legally blind but I had enough vision to see most of the action, especially when the screens got bigger and bigger. Every Saturday morning I would go to the church hall near my home and watch the Three Stooges, Buster Keaton, Dean Martin & Jerry Lewis, Francis the Talking Mule, Bugs Bunny... Later I would go to one of the two theaters in my hometown to watch Hopalong Cassidy, Gene Autry, Roy Rogers and all the great Disney movies.

I have not enjoyed a movie for a very long time. I have very little vision now, and I have been profoundly deaf for over 40 years. yet to this day I remember Kirk Douglas singing "Old Man Nemo" to a clapping seal (20,000 Leagues Under the Sea), Mike Fink eating his hat after losing the Great Keelboat Race (Davy Crockett) and Lady shyly sharing a plate of spaghetti with Tramp while a cook sang to them (Lady and the Tramp).

The legislation before you - HB 1272 HD1 - Relating to Movie Theaters - will re-open the movie theaters to those of us who have vision or hearing limitations. With just a wee tweak of the technology I may also be able to enjoy this wonderful entertainment again via wireless connectivity to my braille tablet.

To paraphrase Neil Armstrong, this legislation will represent one small step for the movie theaters and one giant leap for those of us with sensory impairments.

Thank you for your support of this legislation.

**From:** [Stephen Laracuate](#)  
**To:** [JDLTestimony](#)  
**Subject:** Support for House Bill 1272 HD2 SD1 - Relating to Movie Theaters  
**Date:** Sunday, March 29, 2015 5:06:31 PM

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March 29, 2015

TESTIMONY TO THE SENATE COMMITTEE ON JUDICARY AND LABOR

House Bill 1272 HD2 SD1 - Relating to Movie Theaters

My name is Steve Laracuate. I am Deaf and I am in support of H.B. 1272 HD2 SD1 requiring movie theaters to show open-captioned films in the State of Hawaii.

I would like to thank the movie theatres for their efforts to accomodate the Deaf and Hard of Hearing with personal devices such as closed caption goggles and rear view captions.

However, I have found that the most preferrable form of captioning for watching the movies in a movie theatre or at home is with open captions on the screen itself. Open captions is the most natural and comfortable way for me to understand and enjoy a movie; whether it's at home or in a theatre.

Hearing people are not required to turn in their driver's license or Hawaii State ID to wear or use personal special devices to listen and watch the movie. By the same token, neither should the Deaf and Hard of Hearing have to do that. The passage of H.B. 1272 HD2 SD1 will provide the Deaf and Hard of Hearing the same equal access to movie theaters that the hearing folks have.

I don't know if the same is true for Blind movie goers, but they also deserve equal access to movies theaters as well. They may prefer to hear audio descriptions mixed with the actual voice and soundtrack of the movie. It will be worth it to find out from them.

Thank you for the opportunity to testify.

Aloha,

Steve Laracuate