

Honolulu, Hawaii

MAR 23 2015

RE: H.B. No. 58  
H.D. 1  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 58, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PROTECTIVE ORDERS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish a hope card program within the Department of the Attorney General to allow law enforcement to verify the existence of and obtain information regarding a long term protective order;
- (2) Authorize the Department of the Attorney General to issue hope cards to holders of a long term protective order and establish content requirements of and fees for the hope cards;
- (3) Require the Department of the Attorney General to maintain a database of all hope cards issued through the hope card program and allow access to the database by Internet and telephone twenty-four hours a day, seven days per week for the duration of the long term protective order and public access in coordination with the Hawaii Criminal Justice Data Center;
- (4) Authorize the Department of the Attorney General to work with outside agencies and governmental agencies and



accept funding from public agencies and private persons to support the program;

- (5) Require the Department of the Attorney General to submit a report on the program to the Legislature prior to the convening of each Regular Session;
- (6) Appropriate an unspecified sum for fiscal year 2015-2016 for the Department of the Attorney General to establish and administer the hope card program; and
- (7) Require the Department of the Attorney General to develop and implement the hope card program no later than January 1, 2016.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney, City and County of Honolulu; Ala Kuola; and two individuals. Your Committee received comments on this measure from the Department of the Attorney General and Domestic Violence Action Center.

Your Committee finds that obtaining and enforcing a protective order can be a tedious and frustrating process. One of the difficulties that holders of a protective order face is having to constantly carry a certified copy of their protective order on their person because it is often impractical. A hope card will enable holders of protective orders to easily carry the cards around with them in their purse or wallet and allow law enforcement in other jurisdictions to quickly and easily verify the protective orders from the cards.

Your Committee notes the testimony submitted by the Department of the Attorney General and Department of the Prosecuting Attorney of the City and County of Honolulu requesting that the hope card program be placed within the Honolulu Family Justice Center under the Department of the Prosecuting Attorney of City and County of Honolulu and initially focus on protective orders issued on Oahu. The Department of the Attorney General testified that program placement was previously discussed with the Honolulu Family Justice Center and the Center is agreeable to overseeing the program.

Your Committee notes the concern raised by the Department of the Attorney General that requiring access to information in the Criminal Justice Information System and National Crime Information



Center's protection order file databases is unnecessary. The Department indicated in its testimony that law enforcement already has access twenty-four hours a day, seven days per week. However, it is the intention of your Committee that implementation of this measure be in coordination with Hawaii's Criminal Justice Information System.

Lastly, your Committee further notes the concerns raised by Ala Kuola that the name of the hope card program may be easily confused with the Judiciary's HOPE Probation program.

Accordingly, your Committee has amended this measure by:

- (1) Adopting the suggestions made by the Department of the Attorney General and Department of the Prosecuting Attorney of the City and County of Honolulu to establish a three-year pilot program under the Honolulu Family Justice Center instead of the Department of the Attorney General and apply the pilot program to protective orders issued by any court in the First Circuit of the State;
- (2) Adopting the suggestion made by Ala Kuola to change the name of the program from the "hope card program" to "protective order card pilot program" to avoid confusion with HOPE Probation;
- (3) Deleting language that would have required fees collected for protective order cards to be transferred to the general fund;
- (4) Adopting the language suggested by the Department of the Attorney General that deletes the language that requires access to the database by Internet and telephone twenty-four hours a day, seven days per week for the duration of the long term protective order and public access in coordination with the Hawaii Criminal Justice Data Center;
- (5) Requiring the Department of the Prosecuting Attorney of the City and County of Honolulu to submit a report to the Legislature prior to the convening of the Regular Sessions of 2016, 2017, and 2018 regarding the activities and status of the protective order card pilot program;



- (6) Appropriating an unspecified amount for fiscal years 2015-2016 and 2016-2017 for a grant-in-aid to the Honolulu Family Justice Center to implement the protective order card pilot program;
- (7) Inserting a sunset date of December 31, 2018; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 58, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 58, H.D. 1, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>HB 58 HD1</b>	Committee Referral: <b>JDL, WAM</b>	Date: <b>3/16/15</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
THIELEN, Laura H.				✓
SLOM, Sam	✓			
<b>TOTAL</b>	<b>5</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes