

STAND. COM. REP. NO. 1525

Honolulu, Hawaii

APR 10 2015

RE: H.B. No. 538
H.D. 2
S.D. 2

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. 538, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to assist victims of domestic abuse by authorizing the family court to issue an order requiring wireless telecommunications service providers to:

- (1) Transfer billing authority and all rights to the wireless numbers of a shared wireless plan to a petitioner who has been granted an order of protection pursuant to chapter 586, Hawaii Revised Statutes, if the petitioner is not the account holder; or
- (2) Remove or release a petitioner from a shared wireless plan and assign a substitute telephone number or numbers.

Your Committee received testimony in support of this measure from the PHOCUSED and two individuals. Your Committee received testimony in opposition to this measure from the American Association of University Women. Your Committee received comments on this measure from the Domestic Violence Action Center.

Your Committee finds that victims of domestic violence often find themselves struggling to escape their abusive situations.

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The financial and contractual obligations associated with wireless plans often act as a barrier that prevents a domestic violence survivor from leaving an abusive relationship.

Your Committee notes the concerns raised in written testimony regarding the hardship that obtaining a protective order may have on a victim of domestic violence. In written testimony, PHOCUSED testified that many survivors of domestic violence do not apply for protective orders when violence has occurred largely due to fear of their abuser. Some victims of domestic violence may not be willing or financially able to obtain a court order.

Your Committee notes that S.B. No. 752 (Regular Session of 2015), requires all telecommunications carriers to release, without charge or penalty, victims of documented domestic violence from shared wireless plans involving their abuser, provided that the victims submit an opt-out request. Your Committee finds that an opt-out request is a viable option for victims of domestic violence to be released from a shared or family cellular phone plan in lieu of petitioning for a protective order.

Accordingly, your Committee has amended this measure by:

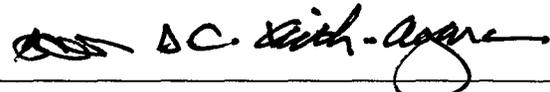
- (1) Inserting substantially similar language from S.B. No. 752 (Regular Session of 2015) that amends chapter 269, Hawaii Revised Statutes, to:
 - (A) Require all wireless telecommunications service providers to release, without charge, penalty, or fee, any victim of domestic violence from a shared or family wireless service contract involving the victim's abuser; provided that the victim submits an opt-out request with evidence of domestic violence as documented by a valid police report documenting an instance or series of instances of domestic violence; and
 - (B) Allow a victim of domestic violence who submits an opt-out request to further request a substitute or new phone number or alternative telecommunications service and require the wireless telecommunications service provider to abide by the request, without charge, penalty, or fee, within twenty-four hours of receiving the request;



- (2) Inserting language in the purpose section under section 1 to reflect the added language regarding opt-out requests;
- (3) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (4) 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. 538, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 538, H.D. 2, S.D. 2.

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.:* HB538 HD2 SD1	Committee Referral: CPN, JDL	Date: 4/8/15		
<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				✓
TOTAL	4			3
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes