

## HB538 HD2

Measure Title: RELATING TO DOMESTIC VIOLENCE.

Report Title: Domestic Abuse; Wireless Plans; Contractual Release

Description: Requires wireless telecommunications service providers to transfer the billing authority and rights to the wireless telephone number or numbers to the petitioner, if the petitioner is not the account holder, upon court order. (HB538 HD2)

Companion: [SB752](#)

Package: None

Current Referral: CPN, JDL

Introducer(s): BELATTI, CREAGAN, ING, C. LEE, LOWEN, MORIKAWA, NISHIMOTO, TAKUMI, Saiki



PROTECTING HAWAII'S OHANA, CHILDREN, UNDER SERVED, ELDERLY AND DISABLED

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TO: Senator Rosalyn H. Baker, Chair  
Senator Brian T. Taniguchi, Vice Chair  
Members, Senate Committee on Commerce & Consumer Protection

FROM: Scott Morishige, MSW  
Executive Director, PHOCUSED

HEARING: **Tuesday, March 17, 2015 at 9:00 a.m. in Conf. Rm. 229**

**Testimony Supporting the Intent of HB538 HD2, Relating to Domestic Violence**

Thank you for the opportunity to provide testimony **supporting the intent** of HB538 HD2, which would require telecommunications carriers to release victims of domestic violence from shared or family wireless plans upon written request. PHOCUSED is a nonprofit membership and advocacy organization that works together with community stakeholders to impact program and policy change for the most vulnerable in our community, including survivors of domestic violence.

Our membership includes organizations, such as Child & Family Service, Parents & Children Together, and Domestic Violence Action Center, which serve victims of domestic violence and their families. Through the work that they do, our members see firsthand that financial and contractual obligations associated with wireless phone plans are often a barrier that prevents a survivor from leaving an abusive relationship. Under the current system, the burden of financial responsibility for paying for phone service, or cancellation fees, often remains with the victim who – in many cases – has endured long standing economic abuse from their perpetrator.

***While we support the intent of HB538 HD2, we have serious concerns about the language of this bill in its current form.*** Our concern regarding HD2 is that not all victims of domestic violence are willing to apply for, or are in fact awarded a court order of protection (TRO/PO) even when violence has occurred. We prefer the language in the original version of this bill or in SB752 (which passed out of this committee unamended) that provides for other ways to verify a situation of domestic violence has occurred – specifically (1) A valid police report documenting an instance or series of instances of domestic violence; (2) Order for protection; or (3) Signed affidavit from a licensed medical or mental health care provider, employee of a court acting within their scope of employment, or a social worker.

While some wireless providers have adopted policies to allow victims to opt out of contracts, this practice is not consistent among all wireless plan providers. This legislation is needed to implement a uniform policy to ensure the safety of victims of domestic violence throughout our state. The original language in HB538 / SB752 would achieve this goal.

Once again, PHOCUSED supports the intent of HB538 HD2, but prefers the language in the original version of this bill. If you have any questions, please do not hesitate to contact PHOCUSED at 521-7462 or by e-mail at [admin@phocused-hawaii.org](mailto:admin@phocused-hawaii.org).

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
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**Subject:** Submitted testimony for HB538 on Mar 17, 2015 09:00AM  
**Date:** Sunday, March 15, 2015 11:23:55 PM

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**HB538**

Submitted on: 3/15/2015

Testimony for CPN on Mar 17, 2015 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teresa Parsons	Individual	Support	No

Comments: I stand in strong support of this bill and urge you to pass this bill as written. This bill is critical to help victims of domestic violence to rapidly change contact information, thus providing a safe haven. I urge you to support this bill. Mahalo for allowing me to testify in support of this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**Subject:** \*Submitted testimony for HB538 on Mar 17, 2015 09:00AM\*  
**Date:** Saturday, March 14, 2015 11:51:49 AM

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**HB538**

Submitted on: 3/14/2015

Testimony for CPN on Mar 17, 2015 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Mike Golojuch	Individual	Support	No

Comments:

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**Subject:** \*Submitted testimony for HB538 on Mar 17, 2015 09:00AM\*  
**Date:** Monday, March 16, 2015 11:38:03 AM

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**HB538**

Submitted on: 3/16/2015

Testimony for CPN on Mar 17, 2015 09:00AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

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