

STAND. COM. REP. NO. **1536**

Honolulu, Hawaii

APR 10 2015

RE: H.B. No. 448
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 Committees on Judiciary and Labor and Ways and Means, to which was referred H.B. No. 448, H.D. 1, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of Health to conduct reviews of domestic violence fatalities, near-deaths, and suicides within one year of any occurrence; and
- (2) Authorize the Department of Health to enter into memoranda of understanding to obtain information relating to near-deaths resulting from intimate partner violence.

Your Committees received testimony in support of this measure from the Women's Caucus of the Democratic Party of Hawaii and one individual.

Prior to the hearing on this measure, your Committees posted and made available for public review a proposed S.D. 1, which added a part II to insert language that:

- (1) Establishes the address confidentiality program within the Crime Victim Compensation Commission to help victims



of domestic violence and sexual assault to relocate and keep their addresses confidential; and

- (2) Creates the address confidentiality program surcharge fund to defray the costs of the program.

Your Committees received testimony in support of the proposed S.D. 1 from the Hawaii State Commission on the Status of Women, PHOCUSED, Domestic Violence Action Center, and Hawaii Women's Coalition. Your Committees received testimony in opposition to the proposed S.D. 1 from the Department of the Attorney General and Crime Victim Compensation Commission. Your Committees received comments on the proposed S.D. 1 from the Department of Budget and Finance, Department of Health, and The Sex Abuse Treatment Center.

Your Committees find that in Hawaii, it is estimated that about 132,000 adults experience intimate partner violence in their lifetime. However, the majority of those adults do not report such experiences to authorities. This measure will further increase the understanding of domestic violence by the community and provide much needed feedback and data for agencies and organizations.

Your Committees further find that address confidentiality programs are necessary in light of modern technology that makes information easily accessible through the Internet and in public records. According to the written testimony submitted by the Hawaii State Commission on the Status of Women, thirty-six states have enacted and implemented address confidentiality programs. The proposed S.D. 1 helps to keep victims of domestic violence and sexual assault safe by protecting their actual addresses while providing a substitute address to enable them to be legally served, receive child support payments, register to vote, and apply for a driver's license.

Your Committees note the concerns raised in the written testimony submitted by the Department of the Attorney General that the proposed S.D. 1 may violate article III, section 14, of the Hawaii State Constitution because it embraces more than one subject. The Department testified that the title of the proposed S.D. 1 is "relating to domestic violence", but the address confidentiality program established under part II of the proposed S.D. 1 is intended to assist victims of not only domestic violence, but also sexual offenses and stalking.



Your Committees further note the concerns raised by the Crime Victim Compensation Commission that the proposed S.D. 1 does not provide positions or adequate funding to administer the address confidentiality program and is void of providing a secure and confidential location to serve participants of the address confidentiality program. The Commission also testified that the proposed S.D. 1 requires potential program participants to begin applying for the program beginning on July 1, 2015, which does not provide the time needed to develop and implement the program. Your Committees believe that further discussion is necessary to find an appropriate agency or department to properly administer the address confidentiality program.

Accordingly, your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the proposed S.D. 1 by:

- (1) Placing the address confidentiality program within the Department of the Attorney General rather than the Crime Victim Compensation Commission;
- (2) Appropriating an unspecified amount to the Department of the Attorney General for fiscal years 2015-2016 and 2016-2017 to implement the address confidentiality program and establish one full-time equivalent position to assist in the implementation of the program; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 448, H.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 448, H.D. 1, S.D. 1.



Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Ways and Means,



JILL N. TOKUDA, Chair



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.:	Committee Referral:	Date:		
HB 448 HDI	HTH, JDL/WAM	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

The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

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Committee on Ways and Means
WAM

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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
TOKUDA, Jill N. (C)	✓			
KOUCHI, Ronald D. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
GALUTERIA, Brickwood	✓			
HARIMOTO, Breene	✓			✓
INOUYE, Lorraine R.	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SLOM, Sam	✓			
TOTAL	10	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;"> </div>				
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