

STAND. COM. REP. NO.

170

Honolulu, Hawaii

**FEB 07** , 2023

RE: H.B. No. 580  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Higher Education & Technology, to which was referred H.B. No. 580 entitled:

"A BILL FOR AN ACT RELATING TO VICTIM-COUNSELOR PRIVILEGE,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Expand the victim-counselor privilege under the Hawaii Rules of Evidence to include confidential advocates employed by the University of Hawaii; and
- (2) Increase the minimum number of hours of training a domestic violence victims' counselor must complete to be considered a victim counselor.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Every Voice Coalition Hawai'i, American Association of University Women of Hawaii, Hawai'i State Coalition Against Domestic Violence, Imua Alliance, Democratic Party of Hawai'i Education Caucus, Hawai'i Health & Harm Reduction Center, and twelve individuals.

Your Committee finds that when Act 208, Session Laws of Hawaii 2016, was enacted, the Legislature required the University of Hawaii to designate confidential advocates at each campus to

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provide confidential advocacy support to victims of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. However, the law did not provide a mechanism to guarantee confidentiality to students and employees seeking services of campus-based advocates. Moreover, the privilege does not apply to the University based on the definition of victim counseling programs under the existing statute.

Your Committee further finds that, despite the availability of a confidential advocate at the University, confidentiality concerns remain a deterrent to seeking assistance. This measure seeks to provide the mechanism needed to alleviate a complainant's fear that disclosure could lead to retaliation, further abuse, or harassment.

Your Committee has amended this measure by:

- (1) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Higher Education & Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 580, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 580, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Higher Education &  
Technology,



AMY A. PERRUSSO, Chair



