



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

H.B. NO. 58, RELATING TO PROTECTIVE ORDERS.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Friday, January 30, 2015

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): RUSSELL A. SUZUKI, Attorney General, or
RANDALL S. NISHIYAMA, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General supports the intent of this bill.

This bill establishes the Hawaii Hope Card program within the Department of the Attorney General to issue Hope Cards upon request to those holding a long term protective order, with the specified relevant information about the protective order and all covered parties reflected on the card. The Hope Card will allow law enforcement to verify the existence of a long term protective order and obtain information regarding the long term protective order. In addition, this bill establishes the Hawaii Hope Card Program Special Fund and appropriates moneys for the program's operation.

While the Department supports the intent of this bill, we believe that rather than having the Hope Card program established with the Department of the Attorney General, it should be established within the Judiciary because the subject long term protective orders are issued and maintained by the Judiciary. Thus, there would be no duplication of services.

We respectfully ask the Committee to consider our comments.

TESTIMONY BY WESLEY K. MACHIDA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON JUDICIARY
ON
HOUSE BILL NO. 58

January 30, 2015

RELATING TO PROTECTIVE ORDERS

House Bill No. 58 establishes the Hawaii hope card program within the Department of the Attorney General (AG) to issue hope cards to holders of a long-term protective order and maintain a database of issued cards. It is the intent of the bill to allow law enforcement to expeditiously verify a long-term protective order and obtain relevant information from the card. The bill also creates the Hawaii hope card program special fund that would generate revenues through program fees; legislative appropriations; and gifts, donations, and grants. The bill appropriates an unspecified sum of general funds for FY 2016 and FY 2017 and special funds for FY 2016 to establish and administer the program. The bill also authorizes the AG to hire a coordinator and assistant to administer the program.

While the Department of Budget and Finance does not take any position on the policy of the Hawaii hope card program, as a matter of general policy, the department does not support the creation of special funds which do not meet the requirements of Section 37-52.3, Hawaii Revised Statutes. Special funds should:

- 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process;
- 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program

and the sources of revenue; 3) provides an appropriate means of financing for the program or activity; and 4) demonstrates the capacity to be financially self-sustaining. In regards to this bill, it is difficult to determine whether the special fund meets the criteria to establish a special fund.



TESTIMONY FOR HB 58

Good afternoon Chair Rhoads, Vice-Chair San Buenaventura, members of the Judiciary Committee. I am Edwin Flores, the Executive Director for the Hawaii Family Law Clinic, also known as Ala Kuola. We support HB 58 with additional comments.

The proposed program addresses several common problems inherent in the current procedures that are in place.

First, victims of domestic violence rarely have a copy of their Order for Protection in their possession all the time. The Hope Card is the size of a credit card, making it easy to carry in a person's pocket, wallet or purse.

Second, over time the Order for Protection becomes unreadable due to wear and tear. The Hope Card is made of durable and water resistant materials to prevent wear and tear damage.

Third, if the Order for Protection is from another jurisdiction, it may be unrecognizable. The Hope Card's features and design allow it to be universally recognized by law enforcement in any jurisdiction by presenting the same to the Attorney General's office in that jurisdiction to be verified with the NCIC database.

Fourth, law enforcement officers in the field may be uninformed when it comes to Full Faith and Credit. The Hope Card allows someone who is granted an Order for Protection in one jurisdiction to easily prove it in another jurisdiction.

Fifth, verifying that the respondent in the Order for Protection is indeed the violator of the Order. The Hope Card allows for easy verification of the respondent as the violator.

Finally, if the Order for Protection is not in the NCIC, the Hope Card lets law enforcement know that there is a valid, permanent Order for Protection in place.

This program has been successfully implemented in several States, in particular Montana and Idaho, at minimal cost. Additionally, the applicant can submit the required documentation for issuance of the Hope Card online or by actually physically presenting the request to the Attorney General's Office.

We have the following comments regarding HB 58:

1. Section 1(b) - Based upon our research, the need for a coordinator and assistant is unnecessary as the overall time required on a weekly basis to administer the program does not justify the creation of the two positions. The addition of a coordinator and assistant coordinator could be inserted provisionally if it is determined to be necessary. We have been informed through the Attorney General's Office of Idaho that the person who produces their Hope Cards spends approximately four (4) hours a week with the production of the same.
2. Section 3 (4) - The terms of the Order for Protection need not be inserted on to the Hope Card as law enforcement can verify the terms via local dispatch through the NCIC data base. As such, additionally Section 3(d)(5) is also unnecessary.
3. Section 3(7)(e) - Other States do not charge for the card.
4. Section - §28-B - This proposed section may be unnecessary as access to the data base on a 24-7 basis is not required. The checking of the validity of the Hope Card is done through local dispatch through the NCIC database.
5. We believe the cost for the hardware and software required to implement this program in the City and County of Honolulu to be less than \$12,000.00. For example, Montana lists the following start up costs:

SP75 Duplex Printer w/lamination-	\$ 6,395.00
Tru-Photo Capture Station-	\$ 1,795.00
IDWorks Enterprise Software-	\$ 2,745.00
YMCKT Ribbon (250 2-sided cards)-	\$ 212.50 each
Secure Holographic Laminate (350 cards)-	\$ 115.50 each
HC Blank Card Stock (500 cards per box)-	\$ 110.00/box
Installation & Operator Training	
Total System Costs -	\$11,373.00

I thank the Committee for the opportunity to present our position on HB 58 and am ready to address any questions that the Chair, Vice-Chair and Committee members may have.