



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

ON THE FOLLOWING MEASURE:

S.B. NO. 2480, S.D. 1, RELATING TO PROTECTIVE ORDERS.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Thursday, February 13, 2020 **TIME:** 11:00 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): Clare E. Connors, Attorney General, or
Christopher D.W. Young, Administrator, Hawaii Criminal Justice
Data Center

Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General (Department) appreciates the intent of the bill and offers the following comments.

The purpose of this bill is to establish a Hawaii Hope Card Program within the Department of the Attorney General to issue the hope cards, verifying a person's long-term protective order. The bill would allow protected individuals to carry an identification card the size of a driver's license that provides all information needed for law enforcement agencies to verify a long-term protective order's existence rather than carrying a copy of the entire protective order. We appreciate changes adopted by the Judiciary Committee based on our earlier testimony.

Section 2 of the bill, on page 2, lines 14-19, states that the purpose of the Hawaii hope card program is to allow law enforcement agencies to quickly verify the existence of, and more easily obtain information on, the long-term protective order, and provide a more convenient method by which protected individuals can prove that a protective order is in place. The Department's experience is that the information being proposed on the card will not provide all the necessary information law enforcement agencies require to verify the validity of a long-term protective order. It is the Department's understanding that, when the petitioner provides a law enforcement officer the petitioner's protection order documents, the officer still is required to verify the validity of

the order, by contacting the law enforcement agencies' records department to ensure proof of service was made on all parties and to determine if amendments have been made to the original order. The card will provide law enforcement agencies the ability to "quickly verify the existence of, and more easily obtain information on, the long term protective order." Law enforcement will still have to confirm service of the order and specific provisions of the order. The law enforcement agencies currently confirms the existence, conditions and that the order was actually served by checking CJIS Hawaii TRO/PO data before taking action. Even if a hope card is issued, law enforcement will be required to continue its current practices.

The Department notes that any subsequent changes to the term of the protective order, such as a shortening or extension of its duration, will not be reflected on the hope card unless an applicant notifies the Department of the change and requests that an updated card be issued. Because there is no way to guarantee that a hope card will reflect any changes to the long-term protective order after its issuance, law enforcement agencies will nevertheless request to see a copy of the actual order or seek to verify the existence of the order notwithstanding the presentation of a hope card, thereby undermining the purpose of the hope card.

Finally, S.B. No. 2480, S.D. 1, SECTION 3 provides an appropriation of "\$30,000 or so much thereof as may be necessary for fiscal year 2020-2021." A query of CJIS Hawaii TRO/PO module, indicates that there are currently 9,125 active protective orders. Based on the quantity of hope cards that may be issued, in order to operate the Hawaii Hope Card Program, funding will be needed for office equipment, postage, website development, database development and an identification card hardware and software. The Department would also need at minimum, one full time position Program Specialist III needs to be established and approved, to develop, implement, manage and operate this program. The Department's estimate for fiscal year 2020-2021 funding would be \$117,000.00. Without adequate fiscal support, the Department will not be able to implement and effectively operate the Hawaii Hope Card program.

The Department appreciates the opportunity to provide comments on this bill.