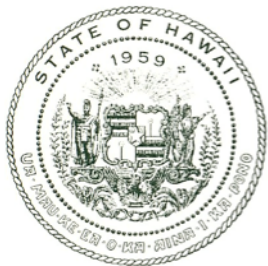


HAWAII
STATE
COMMISSION
ON THE
STATUS
OF
WOMEN



Chair
LESLIE WILKINS

COMMISSIONERS:

ELENA CABATU
CARMILLE LIM
AMY MONK
LISA ELLEN SMITH
MARILYN LEE
JUDY KERN

Executive Director
Catherine Betts, JD

Email:
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Honolulu, HI 96813
Phone: 808-586-5758
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February 11, 2015

To: Representative Angus L.K. McElvey, Chair
Representative Justin H. Woodson, Vice Chair
Members of the House Committee on Consumer Protection and Commerce

From: Cathy Betts
Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in Support, HB 538, HD 1, Relating to Domestic Violence

Thank you for this opportunity to testify in strong support of HB 538, HD 1, which would allow victims of domestic violence to provide documentation of their status as a victim in order to be released from a shared cell phone contract.

Being forced to share a continued mobile contract with an abuser makes it even more difficult for a victim to leave. Abusers will often manipulate their partners through cell phones in a number of ways: abusive and harassing text messages, racking up charges on cell phones, and stalking through cell phone location are just a few. These not only have safety implications for victims but also financial implications, potentially increasing a victim's financial dependence on an abuser.

Being tied to an abuser through a joint or family contract can lead to continued harassment and abuse--abusers can track victims through GPS signals, cell phone location, and can access crucial information about their partners, including if and when they've contacted a domestic violence hotline or others for help. While it would make sense to have all telecommunications carriers change their policies, some have been more responsive than others. Legislation is needed to create uniform policy.

Finally, this bill allows for very little chance of fraud. Sufficient documentation would include a written police report detailing the abuse, a protective order from the courts, or a signed affidavit from a licensed health care provider.

The Commission supports HB 538, HD 1. Thank you for this opportunity to provide testimony.

Justin F. Kollar
Prosecuting Attorney

Kevin K. Takata
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

3990 Ka'ana Street, Suite 210, Lihu'e, Hawai'i 96766
808-241-1888 ~ FAX 808-241-1758
Victim/Witness Program 808-241-1898 or 800-668-5734

TESTIMONY IN SUPPORT OF
HB538 HD1 – RELATING TO DOMESTIC VIOLENCE

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

House Committee on Consumer Protection and Commerce
February 11, 2015, 2:30 p.m., Conference Room 325

Chair McKelvey, Vice Chair Woodson, and Members of the Committee:

The County of Kaua'i, Office of the Prosecuting Attorney, **STRONGLY SUPPORTS** HB538 HD1 – Relating to Domestic Violence.

This measure requires telecommunications carriers to release individuals from shared or family wireless plans, without charge, upon written request in documented instances of domestic violence.

Victims of domestic violence frequently struggle to escape their abusers. Access to independent wireless phone and internet service, along with voicemail, can assist victims and survivors of domestic violence in rebuilding their lives by giving them access to communication with family, friends, agency, and shelter support staff, as well as current or prospective employers.

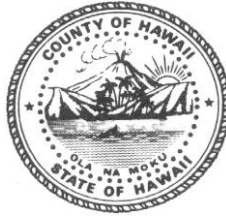
While wireless providers do allow cancellation or removal of numbers from shared plans, this comes along with substantial fees and charges. This Bill addresses that problem by allowing victims, with appropriate documentation, to avoid these onerous charges.

Accordingly, we are in **STRONG SUPPORT** of HB538 HD1. We request that your Committee **PASS** the Bill.

Thank you very much for the opportunity to provide testimony on this Bill.

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 538, HD1

A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE

COMMITTEE ON CONSUMER PROTECTION AND
COMMERCE

Rep. Angus L.K. McKelvey, Chair
Rep. Justin H. Woodson, Vice Chair

Wednesday, February 11, 2015, 2:30 p.m.
State Capitol, Conference Room 325

Honorable Chair McKelvey, Vice-Chair Woodson, and Members of the Committee on Consumer Protection and Commerce, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 538, HD1.

This measure requires telecommunications carriers to release individuals from shared or family wireless plans, without charge, upon written request in documented instances of domestic violence.

Victims of domestic violence often find themselves struggling to escape their abusive situations. Access to an independent wireless phone and service, along with a voice mailbox, can help victims rebuild their lives by giving them the means to communicate with family, friends, agency and shelter support staff, and current or prospective employers.

Although wireless service providers do permit cancellation or removal of phone numbers or phones from a shared plan, this often comes with substantial fees and charges. This Bill addresses that problem head-on by allowing victims, with appropriate documentation, to be released from the wireless plan free of charge.

For these reasons, the Office of the Prosecuting Attorney, County of Hawai'i supports the passage of House Bill No. 538, HD1. Thank you for the opportunity to testify on this matter.

Respectfully,

Mitchell D. Roth
Prosecuting Attorney
County of Hawai'i

February 10, 2015

The Honorable Angus L.K. McKelvey
Hawaii House of Representatives
Chair, House Consumer Protection Committee
Hawaii State Capitol
Room 320
Honolulu, HI 96813

Dear Chair McKelvey:

CTIA-The Wireless Association® is concerned about aspects of Hawaii House Bill 538 HD1 as currently drafted. Although we wholeheartedly share the goal of ensuring that victims of domestic violence have the flexibility to modify access to phone service, we respectfully request that the committee defer action on this bill so the wireless industry can work with the introducer and stakeholders on amendments to the bill.

The wireless industry has a history of working with organizations that help victims of domestic violence. CTIA's Wireless Foundation, for example, created "The Call to Protect" program. Through this and other programs, the Foundation raised money for organizations that work to end domestic violence by refurbishing and recycling wireless devices. In addition, CTIA members have individually worked to help domestic abuse victims and the organizations that support and protect victims.

The safety of our consumers is of the utmost importance to the wireless industry. Wireless companies work with their consumers during times of need, including those unfortunate situations described in the bill. CTIA's member companies have also long accommodated victims of domestic violence on a case-by-case basis by, for example, allowing victims to cancel contracts or change phone numbers. We do, however, have concerns with HB538 HD1 as currently drafted. It requires carriers to release without charge or penalty any victim of domestic violence from a shared or family wireless service contract involving the victim's abuser where, among other evidence, the victim provides a police report documenting an instance or series of instances of domestic violence. Forcing wireless carriers to provide a substitute or new number or alternate service on anything other than a court order places carriers in a precarious position of interpreting what a specific report means, which exposes carriers to liability or litigation if the report or carrier's interpretation is challenged by the account holder.

The bill's requirement that carriers provide "alternative communications service" is also unclear. In addition, the requirement to provide an alternative service within 24 hours may lead to unintended negative consequences for consumers, such as a more expensive service or one that ultimately does not meet the victim's ongoing needs.

Passage of HB538 HD1 may also violate 47 U.S.C. § 332(c), which provides that "no State or local government shall have any authority to regulate the entry of or the rates charged by any commercial mobile service or any private mobile service." Early Termination Fees are part of the rate structure for wireless service contracts. Passage of the bill would functionally permit Hawaii to regulate the rate structure of wireless providers in the state. These requirements would bring the state into conflict with federal law.

We share the introducer's goal of working to ensure the safety and well-being of victims of domestic violence. Although HB538 HD1 is well-intentioned, the wireless industry does have concerns with the legislation. In closing, we respectfully request that the committee defer action on this bill so the wireless industry can work with the introducer and stakeholders on amendments to the bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerard Keegan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gerard Keegan
Senior Director
State Legislative Affairs



COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair
Rep. Justin H. Woodson, Vice Chair

LATE

DATE: Wednesday, February 11, 2015
TIME: 2:30pm
PLACE: Conference Room 325

STRONG SUPPORT FOR HB 538

I am Ann Freed, Co-Chair of the Hawaii Women's Coalition. The Coalition is in strong support of this bill.

According to the Domestic Violence Action Center, perpetrators often use the shared cell phone contract by racking up charges on the phone, which can result in her inability to pay and thus be shut out of her primary source of communication.

A survivor's access to a mobile phone is not a luxury. It can be an imperative tool to keeping her safe. Cell phones are used to call domestic violence shelters, legal services, helplines, and the police. They keep a survivor in touch with domestic violence advocates, attorneys, and social workers. Without a cell phone, a survivor of domestic violence is isolated from a network of services, organizations, and individuals who are able to help. Many cases at the Domestic Violence Center are closed because advocates and attorneys are unable to maintain contact with survivors. This bill gives survivors a chance to maintain a cell phone, without the oppressive debt left for them by their abusers.

Requiring wireless communication providers to release survivors from their contracts, without a termination fee, can mean the difference between staying and leaving. Please pass the important bill out of committee.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai'i Women's Coalition
Contact: annsfreed@gmail.com Phone: 808-623-5676



LATE

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

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TO: Representative Angus L.K. McKelvey, Chair
Representative Justin H. Woodson, Chair
Members, Committee on Consumer Protection and Commerce

FROM: Scott Morishige, Executive Director, PHOCUSED

HEARING: House Committee on Consumer Protection and Commerce
Wednesday, February 11, 2015 at 2:30 p.m. in Conf. Rm. 325

Testimony in Support of HB538 HD1, Relating to Domestic Violence

Thank you for the opportunity to provide testimony in **support** of HB538 HD1, 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 victims 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 these organizations do every day, they see firsthand that financial and contractual obligations associated with wireless phone plans may sometimes serve as a barrier that prevents a victim 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.

HB538 would enable victims of domestic violence to opt out of wireless contractual obligations without undue financial burden, and would protect the victim's safety by more easily enabling them to obtain a new phone number. 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.

Once again, PHOCUSED strongly urges your support 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.

LATE

February 10, 2015

To: Representative Angus McKelvey, Chair
Representative Justin Woodson, Vice Chair
Members of the House Committee on Consumer Protection and Commerce

From: Louisa Nicholson
Individual Citizen

Re: Testimony in Support, HB 538 HD1, Relating to Domestic Violence

Thank you for this opportunity to testify in strong support for HB 538 HD1, which would allow victims of domestic violence to provide documentation of their status as a victim in order to be released from a shared cell phone contract.

Oftentimes, victims of domestic violence chose to remain under the forceful rule of his or her abuser. There are several ways that a cellular or mobile phone's location can be tracked and even shared. Having to share the same phone plan with an abuser or offender could be detrimental to a victim. Abusers often employ a number of tactics to control his or her victim such as harassing phone calls, excessive text messages, and even stalking through the cellular or mobile phone's GPS.

To prevent fraudulent claims of domestic abuse, victims would provide a current protective order from the court, a detailed police report documenting the abuse, and documentation of the abuse from a licensed primary care provider. Oftentimes, wireless cancellation fees are expensive and the contract jargon intimidating. Softening the financial blow for a victim of domestic violence provides reassurance that his or her safety is not connected to whether or not he or she can afford to terminate a cell phone contract. While many large companies and telecommunication corporations have taken the initiative to assist victims of domestic violence; this bill not only assists victims, but also provides support as well as empowers them as they embark on a safer journey.

I support HB 538 HD1.