

JAN 23 2015

A BILL FOR AN ACT

RELATING TO PROTECTIVE ORDERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 28, Hawaii Revised Statutes, is amended
2 by adding a new part to be appropriately designated and to read
3 as follows:

4 **"PART . HAWAII HOPE CARD PROGRAM**

5 **§28-A Hawaii hope card program.** (a) There is established
6 within the department of the attorney general a program to be
7 known as the Hawaii hope card program, which shall be
8 responsible for issuing hope cards to holders of a long term
9 protective order to allow law enforcement to quickly verify the
10 existence of the long term protective order and easily obtain
11 information regarding the long term protective order.

12 (b) The department of the attorney general shall employ,
13 without regard to chapter 76, a coordinator and an assistant to
14 the coordinator and other personnel as necessary to promote the
15 effective and efficient conduct of the Hawaii hope card
16 program's activities.

17 (c) A hope card may be requested by any person who has
18 been granted a long term protective order by submitting an



1 application to the department of the attorney general in a form
2 prescribed by the department of the attorney general. Upon
3 determining that the long term protective order upon which the
4 application is based is valid, the department of the attorney
5 general shall issue the applicant a hope card; provided that
6 more than one hope card may be issued to the applicant as
7 necessary, including:

8 (1) For the applicant to provide the hope card to a school
9 or employer;

10 (2) To enable use of the hope card by any child or other
11 individual covered by the long term protective order;
12 or

13 (3) For the applicant to provide the hope card to the
14 school, day care program, or other similar entity for
15 a child or other individual covered by the long term
16 protective order.

17 (d) A hope card shall be a laminated card, similar in size
18 and shape to a credit card, and shall display a color photograph
19 of the person to be restrained by the long term protective
20 order, if available, and contain essential information about the
21 long term protective order, including:



- 1 (1) Identifying characteristics of the person to be
2 restrained, including name, date of birth, sex, race,
3 eye and hair color, height, weight, and any
4 distinguishing features such as scars or tattoos;
- 5 (2) The case number and the issuing court of the long term
6 protective order;
- 7 (3) The issue and expiration date of the long term
8 protective order;
- 9 (4) The terms of the long term protective order;
- 10 (5) A website and Hawaii phone number by which law
11 enforcement personnel can access the Hawaii hope card
12 program database to verify the information on the hope
13 card;
- 14 (6) Identifying characteristics of the applicant,
15 including name, date of birth, sex, race, eye and hair
16 color, height, and weight; and
- 17 (7) The names and birth dates of any children or other
18 individuals who are also protected by the long term
19 protective order.
- 20 (e) The department of the attorney general may charge a
21 fee for each hope card that is issued, not to exceed \$
22 per card. All moneys collected from the fee shall be deposited



1 in the Hawaii hope card program special fund established
2 pursuant to section 28-C.

3 (f) For the purposes of this part, "long term protective
4 order" means an order granted under section 604-10.5 that is
5 effective for a period exceeding ninety days, or an order
6 granted under chapter 586 that is effective for a period
7 exceeding one hundred eighty days.

8 **§28-B Access to Hawaii hope card program information;**
9 **verification.** (a) The department of the attorney general shall
10 maintain a database of all hope cards issued by the Hawaii hope
11 card program and their related long term protective orders. Law
12 enforcement personnel may access the database to verify the
13 existence and scope of a long term protective order.

14 (b) Access to the database shall be provided twenty-four
15 hours a day, seven days per week for the duration of the long
16 term protective order by internet and telephone for which the
17 department of the attorney general shall maintain a Hawaii phone
18 number; provided that the identity of the applicant shall not be
19 listed where the long term protective order has been obtained
20 under section 604-10.5(e).



1 (c) Public access authorized by this section may be
2 provided in coordination with the Hawaii criminal justice data
3 center established under chapter 846.

4 **§28-C Hawaii hope card program special fund.** (a) There
5 is established in the state treasury the Hawaii hope card
6 program special fund, into which shall be deposited the
7 following moneys:

8 (1) All fees collected by the department of the attorney
9 general for the purposes of carrying out this part;

10 (2) Appropriations by the legislature to the special fund;
11 and

12 (3) Gifts, donations, and grants from public agencies and
13 private persons.

14 (b) The Hawaii hope card program special fund shall be
15 administered by the department of the attorney general and shall
16 be used for administering and operating the Hawaii hope card
17 program.

18 (c) The department of the attorney general may expend
19 moneys from the fund:

20 (1) For long term and temporary staff positions;

21 (2) To cover materials and equipment necessary to produce
22 hope cards;



1 (3) To cover expenses incurred in maintaining internet and
2 twenty-four hours per day telephone access;

3 (4) To produce public information materials; and

4 (5) To cover all other administrative and operational
5 costs of the Hawaii hope card program.

6 (d) The department of the attorney general shall submit a
7 report to the legislature no later than twenty days prior to the
8 convening of each regular session to provide an accounting of
9 the receipts and expenditures of the fund."

10 SECTION 2. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$ or so much
12 thereof as may be necessary for fiscal year 2015-2016 and the
13 same sum or so much thereof as may be necessary for fiscal year
14 2016-2017, to be deposited into the Hawaii hope card program
15 special fund.

16 SECTION 3. There is appropriated out of the Hawaii hope
17 card program special fund the sum of \$ or so much
18 thereof as may be necessary for fiscal year 2015-2016, for the
19 department of the attorney general to administer the Hawaii hope
20 card program.

21 The sums appropriated shall be expended by the department
22 of the attorney general for the purposes of this Act.



1 SECTION 4. The department of the attorney general shall
 2 develop and implement the Hawaii hope card program established
 3 by section 1 of this Act no later than January 1, 2016.

4 SECTION 5. In codifying the new sections added by section
 5 1 of this Act, the revisor of statutes shall substitute
 6 appropriate section numbers for the letters used in designating
 7 the new sections in this Act.

8 SECTION 6. This Act shall take effect on July 1, 2015.
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INTRODUCED BY: ~~A.S. Fischer~~

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S.B. NO. 471

Report Title:

Hawaii Hope Card Program; Protective Orders; Appropriation

Description:

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 specified relevant information about the protective orders and all covered parties. Establishes special fund. Appropriates funds.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

