



LATE

SB2199

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| Measure Title: | RELATING TO TELEPHONE SERVICES FOR COMMITTED PERSONS. |
| Report Title: | Inmate Phone Calls; Department of Public Safety; Correctional Facilities |
| Description: | Prohibits the department of public safety from receiving any commission payments from telephone service providers based on inmate phone calls. |
| Companion: | |
| Package: | None |
| Current Referral: | PSM, WAM |
| Introducer(s): | ESPERO, Baker, Inouye, Nishihara, Slom |

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**THE HONORABLE CLARENCE NISHIHARA, CHAIR
THE HONORABLE WILL ESPERO, VICE CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai'i**

January 28, 2016

RE: SB 2199; RELATING TO TELEPHONE SERVICES FOR COMMITTED PERSONS.

Chair Nishihara, Vice-Chair Espero and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to S.B. 2199.

The purpose of S.B. 2106 is to eliminate all commissions received by the Department of Public Safety for telephone services provided to individuals who are incarcerated in facilities run by the Department. While the reduction of unreasonable telephone charges for incarcerated persons seems like the righteous and admirable thing to do, it does have serious negative consequences (presumably unintended) for crime victims. When SAVIN, the automated victim notification system was established by the Legislature in 2012 (see statute inserted below) it established a self sufficient funding mechanism for SAVIN consisting of a four percent surcharge on commissary charges and “All proceeds or revenues that are derived from any commission that is realized pursuant to a telephone service agreement executed by the department for the provision of telephone services for inmates...” The elimination of all commissions from telephone calls, as proposed in this bill would eliminate a significant portion of the funding currently underwriting the cost of the automated notification system. The amounts of funds received from this source in recent years amounted to \$82,244.25 (FY13), \$110,684.44 (FY14), and \$94,201.19 (FY15).

Totally eliminating or significantly reducing commissions, without creating an alternative funding source, could ultimately mean fiscal insolvency for SAVIN. What that would translate to in terms of impact on victims would be the elimination of a critical informational lifeline and safety planning tool. Thousands of crime victims depend daily on SAVIN notifications to

prepare themselves to seek safety options when an offender is released from custody. Victim advocates depend on this system to alert them that victims will need immediate safety planning assistance, crisis counseling, and emotional support. Elimination of funding for this critical victim service for crime victims would be a disaster. Therefore we asked that you not pass this measure unless commensurate alternative funding sources are established to support the SAVIN system. Alternative do exist, such as increasing the commissary surcharge, but such a measure would have to be enacted in concert with the enactment of S.B. 2199 should it become law.

[§353-136] Automated victim information and notification system special fund; authorization of payment. (a) There is established a special fund to be known as the automated victim information and notification system special fund, to be administered by the department. Interest and investment earnings credited to the assets of the fund shall become part of the fund. Any remaining balance in the fund at the end of any fiscal year shall be carried over to the next fiscal year.

(b) Any item purchased by an in-state or out-of-state inmate from a correctional facility commissary shall be subject to a four per cent surcharge on the item's price. The proceeds from the surcharge shall be deposited into the automated victim information and notification system special fund.

(c) All proceeds or revenues that are derived from any commission that is realized pursuant to a telephone service agreement executed by the department for the provision of telephone services for inmates shall be deposited into the automated victim information and notification system special fund.

(d) Moneys received pursuant to subsections (b) and (c) shall be used for the development and operating expenses, including salaries and benefits of positions as authorized by the legislature, of the system.

(e) The sum total of all moneys expended for development and operating expenses, including salaries and benefits of positions as authorized by the legislature, shall not exceed the special fund ceiling related to the fund established by the legislature; provided that the total moneys expended for these purposes shall not exceed \$600,000 in any one fiscal year.

(f) Federal funds shall not be transferred to, or deposited into, the automated victim information and notification system special fund. [L 2012, c 190, pt of §1]

For these reasons, the Department of the Prosecuting Attorney opposes the passage of S.B. 2199, unless amended sufficiently to insure adequate continued funding for the SAVIN automated victim notification system.. Thank you for this opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SB2199 on Feb 2, 2016 13:15PM*
Date: Friday, January 29, 2016 9:59:21 AM

SB2199

Submitted on: 1/29/2016

Testimony for PSM on Feb 2, 2016 13:15PM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|-----------------------|--------------|-----------------------|-----------------------|
| Javier Mendez-Alvarez | Individual | Support | No |

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: rkailianu57@gmail.com
Subject: *Submitted testimony for SB2199 on Feb 16, 2016 13:20PM*
Date: Tuesday, February 09, 2016 10:45:33 PM

SB2199

Submitted on: 2/9/2016

Testimony for PSM on Feb 16, 2016 13:20PM in Conference Room 229

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------------|--------------|-----------------------|-----------------------|
| Rachel L. Kailianu | Individual | Support | Yes |

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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