

**STATE OF HAWAII**  
**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY  
OF  
DOUGLAS MURDOCK, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
SENATE COMMITTEE  
ON  
WAYS AND MEANS  
ON  
FEBRUARY 27, 2015

S.B. 384, S.D. 1

RELATING TO ADDRESS CONFIDENTIALITY

Chair Tokuda and members of the Committee, thank you for the opportunity to submit written testimony on S.B. 384, S.D. 1. The Department of Accounting and General Services (DAGS) offers the following comments on S.B. 384, S.D. 1.

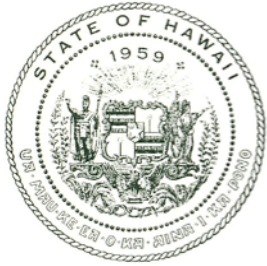
While we recognize the value of this measure, the scope of S.B. 384, S.D. 1 impacts a cross-section of stakeholders, including the Judiciary and Executive branches.

We recommend you allow the executive and judiciary branch to work together to determine which department should run the program and what personnel and funding will be necessary. This program might be more suitable in a department that is experienced in assisting victims of crime or providing social services, or which has more of the capabilities called for by the bill.

Finally, we recommend adding sexual offenses to the list of crimes subject to the surcharge on in section -12(b) on page 28, line 14 of the bill.

Thank you for the opportunity to submit written testimony on this matter.

HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



Chair  
LESLIE WILKINS

COMMISSIONERS:

ELENA CABATU  
CARMILLE LIM  
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February 26, 2015

To: Senator Jill Tokuda, Chair  
Senator Ronald Kouchi, Vice Chair  
Members of the Senate Committee on Ways and Means

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

Re: Testimony in Support, SB 384, SD1, Relating to Address Confidentiality

Thank you for this opportunity to testify in strong support of SB 384, SD1, which would establish an address confidentiality program for victims of domestic violence, sexual assault, and stalking. SB 384, SD1, would assist victims by allowing them to use a substitute legal address in place of their physical address. Additionally, this measure would provide for a mail forwarding system for program participants, so that perpetrators of violence against women would not be able to seek out and find victims' physical addresses. Offenders often use public data to find their victims. In cases of domestic violence, sexual assault, and stalking, this entails the intensive use of people search engines which have proliferated over the last decade. For a small fee, it is very simple for people to find out personal information about their victims, including social media profiles, email addresses, and physical addresses.

However, SD1 limits victims' documentation to government agencies, law enforcement, or a service provider (for domestic violence or sexual assault services). The original language in SB 384 allowed for documentation from a medical provider or a religious professional in addition to the aforementioned methods. The Commission prefers this language, as many victims do not report to law enforcement or a government agency for several reasons: fear, lack of english proficiency, shame, distrust of the criminal justice system, to name a few. Immigrant victims and women who do not have financial resources to seek services may be inadvertently left out through this revised language in SD1.

Thirty-six other states in the nation have enacted and successfully implemented address confidentiality programs. Lawmakers saw a need for victims to remain safe, yet still be accessible for service of process, child support enforcement, voting and drivers license registration, etc. Other states that have successfully implemented address confidentiality programs see the programs as vital to protecting victims of violence. However, the programs are most successful when government agencies communicate and collaborate with victim service agencies to make victims' safety and privacy a priority. The Commission urges the passage of SB 384, SD1, and would likewise recommend a strong outreach and education campaign within the division that will implement this program. Thank you for this opportunity to provide testimony.

**GAY LESBIAN  
BISEXUAL AND  
TRANSGENDER  
CAUCUS**



**DEMOCRATIC  
PARTY OF HAWAII**

**COMMITTEE ON WAYS AND MEANS**

**Senator Jill N. Tokuda, Chair**

**Senator Ronald D. Kouchi, Vice Chair**

**Friday, February 27, 2015, 9:00 AM**

**Conference Room 211, State Capitol**

**IN SUPPORT OF SB384 WITH AMENDMENTS – ADDRESS CONFIDENTIALITY PROGRAM**

SB384 establishes an Address Confidentiality Program (“ACP”) in Hawaii. The caucus supports the bill with amendment: we request that you restore the language omitted in §3 c3D.

The ACP creates a mechanism to assist survivors of domestic violence, sexual assault, and stalking relocate and keep their addresses confidential. Thirty-six (36) states have enacted similar legislation and launched ACPs.

The legislative intent of every program has been to keep confidential the location of a domestic violence survivor and reduce the risk of future harm. A survivor is safe only as long as the abuser does not find her. Internet technologies and court-required disclosures make it easier than ever for abusers to find their victims. The fear of being found has deterred victims from filing restraining orders and divorce complaints.

In balancing the risks of omitting the language in §3c3D, by including the language, there is little risk of fraud; by omitting the language, there is a far greater risk that survivors will not participate in the ACP because the amendment eliminates a variety of trusted individuals as safe places to report.

**Therefore, the Caucus supports the bill if amended to restore the original language in §3c3D.**

Thank you for this opportunity to testify.

Very truly yours,

Jo-Ann M. Adams, Legislative Liaison  
Gay, Lesbian, Bisexual and Transgender Caucus  
Democratic Party of Hawaii



## HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

Date: February 26, 2015

To: Senator Jill N. Takuda, Chair  
Senator Ronald D. Kouchi, Vice-Chair  
COMMITTEE ON WAYS AND MEANS

From: Michelle Rocca, Training Director  
Hawaii State Coalition Against Domestic Violence

RE: SB 384 SD1 – SUPPORT WITH COMMENTS

PLACE: Conference Room 211

DATE and TIME: Friday, February 27, 2015 9:00 a.m.

The Hawaii State Coalition Against Domestic Violence is a statewide partnership of 21 domestic violence program and domestic violence shelter providers on 6 of our Hawaiian Islands. Our mission is to engage communities and organizations to end domestic violence through education, advocacy, and action for social justice.

HSCADV supports SB 384 SD1 and thanks the committee for considering this important measure. Address confidentiality for victims and survivors of domestic violence is a critical aspect of planning for long term safety. Protecting the location of a person who has left a violent relationship will promote long term safety and will likely reduce harassment, stalking attempts, and the day to day anxiety a person who has relocated experiences upon terminating the relationship.

HSCADV encourages the committee to consider allowing religious, medical, and other professionals such as counselors to be an additional source of credibility when determining the eligibility of a victim's ability to participate in the Address Confidentiality program. Many survivors of domestic violence, sexual violence and stalking never report the abuse they have endured to a government agency, police department or even domestic violence/sexual assault service provider. They may, however, seek medical help, counseling or legal help and therefor have documentation from credible professionals establishing that they are, in fact, survivors.

We hope the committee would look to the Hawaii State Coalition Against Domestic Violence membership and our Survivor Action Committee as a resource and source of support for any needed recommendations.

Michelle Rocca, Training Director





February 27, 2015

To: Senator Jill Tokuda, Chair  
Senator Ronald Kouchi, Vice Chair and  
Members of the Committee on Ways and Means

From: Jeanne Y. Ohta, Co-Chair

RE: SB 384 SD1 Relating to Address Confidentiality  
Hearing: Monday, February 27, 2015, 9:00 a.m., Room 211

POSITION: Strong Support

The Hawai'i State Democratic Women's Caucus writes in strong support of SB384 SD1 Relating to Address Confidentiality which would establish an address confidentiality program for survivors of domestic violence, sexual assault, and stalking. SB 384 SD1 would provide a life-saving tool by allowing survivors to use a substitute legal address in place of their physical address. Additionally, SB 384 HD1 would provide for a mail forwarding system so that their physical address would remain confidential.

Thirty-six other states in the nation have implemented address confidentiality programs. Violent partners are very resourceful and determined to harm their victims; the availability of search engines, social media, and other on-line resources have made it easier to discover personal information.

This confidentiality program will help to keep vulnerable women and children safe from their abusers and has the potential to save many lives. We urge the committee to pass this measure.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls. Thank you for the opportunity to provide testimony.



February 26, 2015

Senate Committee on Ways and Means  
Senator Jill Tokuda, Chair  
Hawaii State Capitol

**Re: S.B. 384, SD1 Relating to Address Confidentiality  
Friday, February 27, 2015, 9:00 a.m.**

Dear Chair Tokuda and Members of the Committee on Ways and Means:

Hawaii Women Lawyers submits **testimony in support of S.B. 384, SD1** which would establish an address confidentiality program for victims of domestic violence, sexual assault, and stalking. S.B. 384, SD1 would help victims by allowing them to use a substitute legal address in place of their physical address. Additionally, the bill would provide for a mail forwarding system for program participants, so that perpetrators of violence against women would not be able to seek out and find victims' physical addresses.

Hawaii Women Lawyers encourages the Committee to consider the potentially life-saving effects S.B. 384, SD1 could have on female victims of violence. Washington State first passed a similar law which provided a mechanism to keep victims of domestic violence safe, yet still be accessible for key government functions such as service of process, child support enforcement, voting and drivers license registration. Since then, 36 other states in the nation have enacted and successfully implemented address confidentiality programs.

Violent perpetrators are very resourceful and can be determined to harm their victims. Due to the proliferation of people search engines over the last decade, it is very easy for perpetrators to find personal information about their victims. The confidentiality program proposed in the bill will help to keep vulnerable women and children shielded from violent perpetrators by providing victims with a way to shield their protect their privacy through the use of substitute addresses, and by penalizing unauthorized disclosures of actual address information. Moreover, not all victims of domestic violence necessarily report incidents of domestic violence or go through the criminal justice system, so this program would offer another avenue of protection for these victims.

In summary, S.B. 384, SD1 allows the State of Hawai'i to send a strong message reaffirming a survivor's right to privacy and safety, and represents an opportunity to place Hawai'i on equal footing with 36 other states that have already enacted address confidentiality programs.

Hawaii Women Lawyers is committed to enhancing the status of women in the State, and believes that this measure will address a critical need to help protect victims of domestic violence, sexual assault, and stalking.

We respectfully request that the Committee pass this bill. Thank you for the opportunity to submit testimony on this measure.

Sincerely,

Tricia M. Nakamatsu, President





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

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TO: Senator Jill N. Kouchi, Chair  
Senator Ronald D. Kouchi, Vice Chair  
Members, Senate Committee on Ways & Means

FROM: Scott Morishige, Executive Director, PHOCUSED

HEARING: **Friday, February 27, 2015 at 9:00 a.m. in Conf. Rm. 211**

**Testimony in Support of SB384 SD1, Relating to Address Confidentiality.**

Thank you for the opportunity to provide testimony in **support** of SB384 SD1, which would establish an address confidentiality program to help survivors of domestic violence and sexual assault to relocate and keep their addresses confidential. 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 survivors of domestic violence.

Our membership includes organizations, such as Child & Family Service, Parents & Children Together, the Hawaii State Coalition Against Domestic Violence and Domestic Violence Action Center, which serve survivors of domestic violence and their families. We believe that this legislation ensures the safety of survivors, while still enabling their accessibility for service of process, child support enforcement, and driver's license registration, etc. Since 1991, 36 other states have enacted legislation and implemented address confidentiality programs.

Address confidentiality programs are especially needed in this age of modern technology where information is now easily available through the Internet and public records. By providing survivors the ability to shield their actual locations through substitute addresses, and by penalizing the unauthorized disclosure of actual address information, SB384 SD1 ensures both the privacy and safety of domestic violence survivors and their families.

Once again, PHOCUSED urges your support of this bill. We strongly believe that this will be a step in the right direction to ensuring the safety and protection of domestic violence survivors throughout Hawaii. If you have any questions, please do not hesitate to contact PHOCUSED at 521-7462 or by e-mail at [admin@phocused-hawaii.org](mailto:admin@phocused-hawaii.org).



# THE SEX ABUSE TREATMENT CENTER

*A Program of Kapi'olani Medical Center for Women & Children*

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Linda Jameson

Michael P. Matsumoto

Robert H. Pantell, MD

Gidget Ruscetta

Joshua A. Wisch

DATE: February 27, 2015

TO: The Honorable Jill Tokuda, Chair  
The Honorable Ronald Kouchi, Vice Chair  
Senate Committee on Ways and Means

FROM: Adriana Ramelli, Executive Director  
The Sex Abuse Treatment Center

RE: Testimony in Support of S.B. 384, S.D. 1  
Relating to Address Confidentiality

I would like to thank the Committee for this opportunity to provide testimony on behalf of The Sex Abuse Treatment Center (the SATC), a program of Kapi'olani Medical Center for Women & Children, in support of Senate Bill 387, Senate Draft 1 (S.B. 384, S.D. 1). We further respectfully request your consideration of our additional comments concerning this measure.

S.B. 384, S.D. 1 would establish an address confidentiality program to help survivors of domestic violence and sexual assault relocate and keep their addresses confidential, and provide funding for this program by creating the address confidentiality program surcharge fund.

Most sexual assaults are not committed by strangers, but by intimate partners, family members, and acquaintances. Moreover, sexual assault often does not occur in isolation, but can be one feature of a pattern violence and intimidation between non-strangers that also includes physical abuse and stalking. In order to assure their own safety and the safety of loved ones, survivors are sometimes forced to relocate in order to avoid further actual or threatened violence.

Unfortunately, modern search technologies and access to public records make it easy for perpetrators to find survivors' new addresses. This places survivors in harm's way and can complicate the difficult task of recovering from the trauma of sexual assault.

By providing survivors the means to shield their actual locations through the use of substitute addresses, and by penalizing unauthorized disclosures of actual address information, S.B. 384, S.D. 1 allows the State of Hawai'i to send a strong message reaffirming that survivors have a right to privacy and safety. In addition, S.B. 384, S.D. 1 represents an opportunity to place Hawai'i on equal footing with 36 other states that have already enacted address confidentiality programs.

The SATC also has the following comment concerning S.B. 384, S.D. 1 that we respectfully submit for your consideration:

The SATC observed that the Senate Committee on Judiciary and Labor amended S.B. 384 by deleting language that would have allowed an applicant to submit documentation from religious, medical or other professionals from whom the applicant sought assistance, as evidence that the applicant was a survivor of sexual assault.

Survivors of sexual assault do not report attacks to law enforcement or other government entities in up to 75% of cases for many reasons, such as shame, desire to preserve their privacy, fear of the perpetrator, or lack of trust in the criminal justice system. Survivors may also not seek services from a sexual assault program or non-profit organizations for similar reasons, or due to a lack of access to such programs.

Rather, many survivors seek help from, and provide information about attacks to, community leaders or professionals, such as their pastor or physician, with whom they may have an established relationship of trust.

This should not prevent a survivor from being able to protect themselves from their attacker, especially where there is medical, counseling, or legal assistance documentation from a credible professional source supporting their status as a survivor of sexual assault.

Therefore, we request that the legislature consider allowing survivors to use documentation from religious, medical, or other professionals from whom they sought assistance as evidence that they are in fact survivors of sexual assault.

By ensuring that survivors of sexual assault who are forced to relocate to escape their attackers are able to enjoy the security and peace of mind that is due to them, your support of S.B. 384, S.D. 1 is a powerful reaffirmation of the State of Hawai'i's commitment to protect its citizens from offenders of violent crime.

**SB384**

Submitted on: 2/26/2015

Testimony for WAM on Feb 27, 2015 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Aiko Yamashiro	Individual	Support	No

Comments: I am in SUPPORT of this bill's work to protect vulnerable survivors in their efforts to tell very difficult stories and seek help. I oppose the amendment limiting the individuals who may provide documentation certifying the abuse. It takes community support for people to tell their story, and this bill is one way to show survivors our support.

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**SB384**

Submitted on: 2/26/2015

Testimony for WAM on Feb 27, 2015 09:00AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne	Individual	Support	No

Comments: Address Confidentiality Programs (ACPs) have been passed in 36 states since 1991. Essentially they create a mechanism to help survivors of domestic violence, sexual assault, and stalking relocate and keep their addresses confidential. Mahalo for your consideration and support of this measure!

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February 26, 2015

**Testimony in Support of SB384 SD1, Relating to Address Confidentiality**

**To:** Senator Jill N. Tokuda, Chair  
Senator Ronald D. Kouchi, Vice Chair  
Members of the Senate Committee on Ways and Means

**From:** Fawn Jade Koopman, Esq.

**Re:** Testimony in Support of SB384 SD1, Relating to Address Confidentiality

I would like to thank the committee for the opportunity to provide testimony in strong support of SB384 SD1 establishing an Address Confidentiality Program (“ACP”) in Hawaii, but requesting the bill include the language omitted in § -3 c3D in version SD1. The ACP creates a mechanism to assist survivors of domestic violence, sexual assault, and stalking relocate and keep their addresses confidential.

Since 1991, thirty-six states enacted legislation and launched ACP’s. The legislative intent of every program is to protect the location of a survivor’s actual address and reduce the risk of future harm. Women in Hawaii who are fleeing domestic abuse must leave their home and relocate to a safe place. However, each woman is only safe so long as her abuser does not track her down. Advancing Internet technologies, the release of personal information by state agencies, and Court-ordered disclosures in family court proceedings make it easier than ever for abusers to locate survivors. The risks may also prove deadly for the woman who underestimates the lengths to which her abuser will go to continue the abuse. Further, the fear of having identifying information disclosed has actually deterred survivors from filing restraining orders, and divorce complaints.

There are countless women whose lives may be saved as a result of this legislation. These are not perceived or imagined threats to survivor’s safety. Last year, a survivor of sexual assault was terrorized in her home by her abuser two and a half years after she relocated. Last month, a woman with a young child reported her abuser found her months after she relocated. He sat outside her home in his car. After enduring years of domestic abuse, his presence alone was a threat. These women were my clients, and it is because of their stories and experiences that an ACP is necessary in the State of Hawaii.

Our ACP bill must also employ both a practical, and culturally sensitive understanding of domestic violence, sexual assault, and stalking. In doing so, I urge this legislature to consider how difficult it is for survivors to seek help, and to disclose abuse. In fact, the majority of survivors do not ever report abuse, or seek assistance. But, when survivors do disclose, they often disclose to trusted individuals first, and sometimes solely. Many survivors will disclose to their medical provider when seeking medical treatment resulting from the abuse. Further, many survivors are not U.S. Citizens, and they fear their status may be placed in jeopardy if they report abuse to any authority, organization, or agency, especially when their status in the United States

is tied to their abuser. I have represented over 100 survivors of domestic abuse in the past year and a half, and nearly all are immigrants, and most have limited English proficiency. My clients regularly admit they disclosed to a religious, medical, or other professional sometimes years or months before seeking assistance elsewhere.

SB 384SD1's amendment and deletion of § -3 c3D will unnecessarily deter many survivors from participation in Hawaii's ACP by eliminating a variety of commonly trusted individuals who are privy to the survivors abuse. Therefore, I oppose the deletion of the language that *an applicant may provide any documentation from a religious, medical, or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence, sexual offense, or stalking* from the types of evidence an applicant may include in the application. I respectfully urge this committee insert the original language in this section. There is little risk of fraud by permitting these individuals to provide documentation. The only risk raised by the omission of this language is the countless survivors who will be deterred from seeking participation in the ACP.

This testimony is provided to your committee to respectfully request the passage of Senate Bill 384 SD1, with the inclusion of the omitted section above, which reflects a significant legislative concern for survivors of domestic violence, and a desire to facilitate their efforts to start a new life free from abuse.

Thank you for this opportunity to testify.