DOUGLAS MURDOCK Comptroller

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 JUDICIARY AND LABOR ON FEBRUARY 9, 2015

S.B. 384

RELATING TO ADDRESS CONFIDENTIALITY

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

Because the scope of S.B. 384 impacts a cross-section of stakeholders, including the Judiciary, Department of Commerce and Consumer Affairs, and the Office of Elections, among others, DAGS respectively requests that the measure be deferred so that meaningful discussions can be undertaken with these and other interested entities before moving forward with implementing an address confidentiality program.

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

DAVID Y. IGE GOVERNOR

WRITTEN ONLY

TESTIMONY BY WESLEY K. MACHIDA DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE STATE OF HAWAII TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR ON SENATE BILL NO. 384

February 9, 2015

RELATING TO ADDRESS CONFIDENTIALITY

Senate Bill No. 384 establishes within the State treasury a special fund to be known as the Address Confidentiality Program Surcharge Fund. The bill authorizes the deposit of gifts, grants, donations, and 95% of the \$28 surcharge paid by individuals who are convicted of crimes set forth in the bill, such as stalking. The disbursements of money from the fund are to be used to pay for the administration costs incurred by the Address Confidentiality Program to be administered by the Department of Accounting and General Services.

The Department of Budget and Finance does not take any position on the proposed Address Confidentiality Program; however, as a matter of general policy, the department does not support the creation of any special fund which does not meet the requirements of Section 37-52.3 of the HRS. In regards to Senate Bill No. 384, it is difficult to determine whether the proposed source of revenues will be self-sustaining or if there is a clear nexus between benefits sought and charges made upon the users or beneficiaries of the program.

I encourage the Legislature to scrutinize the fiscal and operational plan for this program to ensure that it does conform to the requirements of Section 37-52.3, HRS.



MARI MCCAIG Chair

MARTHA ROSS Interim Commissioner

> ABELINA SHAW Commissioner

PAMELA FERGUSON-BREY Executive Director

STATE OF HAWAI'I CRIME VICTIM COMPENSATION COMMISSION

1136 Union Mall, Suite 600 Honolulu, Hawai'i 96813 Telephone: 808 587-1143 FAX 808 587-1146

TESTIMONY ON SENATE BILL 384 RELATING TO ADDRESS CONFIDENTIALITY

Pamela Ferguson-Brey, Executive Director Crime Victim Compensation Commission

Senate Committee on Judiciary and Labor Senator Gilbert S.C. Keith-Agaran, Chair Senator Maile L. Shimabukuro, Vice Chair

Monday, February 9, 2015; 9:30 AM State Capitol, Conference Room 016

Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Senate Committee on Judiciary and Labor:

Thank you for providing the Crime Victim Compensation Commission ("Commission") with the opportunity to submit testimony in <u>support with amendment to clarify the priority of payment</u> on Senate Bill 384, Relating to Address Confidentiality. Senate Bill 384 establishes the address confidentiality program to help survivors of domestic violence, sexual assault, and stalking relocate and keep their addresses confidential. The measure also creates a court fee to be imposed on and collected from persons convicted of certain crimes.

The Commission was established in 1967 to mitigate the suffering and financial impact experienced by crime victims of violent crime by providing compensation to pay un-reimbursed crime-related expenses. Many victims of violent crimes could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available. The Commission supports Senate Bill 384 with an amendment to clarify the order of payment. The creation of an address confidentiality program is essential to the safety of many crime victims.

The bill proposes a fee to be imposed on certain criminal defendants but does not state the priority in which the fee should be collected. The Commission proposes an amendment that will make the bill consistent with other provisions of the Hawaii Revised Statutes (HRS).

HRS § 706-605(6), § 706-646(2), § 706-648(2), § 706-650.5, and § 846F-3, states that the courts shall collect restitution first, the Crime Victim Compensation Fee (Compensation Fee) second, the probation fee third, all other fees fourth, and fines last. This priority recognizes the importance of addressing the crime victim's needs first. The Compensation Fee is the Commission's main source of revenue. The collection of the Compensation Fee has diminished in recent years.

PROPOSED AMENDMENT TO CLARIFY THE PRIORTY OF PAYMENT

The Commission proposes that §__-12(e) of the bill be amended to add the following language: <u>When a defendant is ordered to make payments in addition to the fee, payments</u> by the defendant shall be made in the following order of priority:

(a) Restitution;
(b) Crime victim compensation fee;
(c) Probation services fee;
(d) Other fees; and
(e) Fines.

Thank you for providing the Commission with the opportunity to testify in support with amendment to clarify the priority of payment on Senate Bill 384.

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: Catherine.a.betts@hawaii.gov Visit us at: humanservices.hawaii.gov /hscsw/

235 S. Beretania #407 Honolulu, HI 96813 Phone: 808-586-5758 FAX: 808-586-5756 February 9, 2015

To: Senator Gilbert S.C. Keith-Agaran, Chair Senator Maile S.L. Shimabukuro, Vice Chair Members of the Senate Committee on Judiciary and Labor

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

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

Thank you for this opportunity to testify in strong support of SB 384, which would establish an address confidentiality program for victims of domestic violence, sexual assault, and stalking. SB 384 would assist victims by allowing them to use a substitute legal address to in place of their physical address. Additionally, SB 384 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 addresse.

Thirty-six other states in the nation have enacted and successfully implemented address confidentiality programs. The program originated in Washington in 1991. 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.

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.

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, and would likewise recommend a strong outreach and education campaign within the division that will implement this program.

Thank you for this opportunity to testify.



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

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TO:	Senator Gilbert S.C. Keith-Agaran, Chair Senator Maile S.L. Shimabukuro, Vice Chair Members, Committee on Judiciary and Labor
FROM:	Scott Morishige, Executive Director, PHOCUSED
HEARING:	Senate Committee on Judiciary and Labor Monday, February 9, 2015 at 9:30 a.m. in Conf. Rm. 016

Testimony in Support of <u>SB384</u>, <u>Relating to Address</u> <u>Confidentiality</u>.

Thank you for the opportunity to provide testimony in **support** of SB384, 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 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 <u>admin@phocused-hawaii.org</u>.



TO: Chair Gil Keith-Agaran Vice Chair Maile Shimabukuro Members of the Committee

FR: Nanci Kreidman, M.A

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

I would like to thank the Committee for the opportunity to provide testimony in strong support of this bill establishing an Address Confidentiality Program ("ACP") in Hawaii. 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. Several weeks ago, 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. There is no question an ACP is necessary in the State of Hawaii.

This testimony is provided to your committee to respectfully request the passage of Senate Bill 384, 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.

THE SEX ABUSE TREATMENT CENTER

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

Executive Director Adriana Ramelli	DATE:	February 9, 2014
Advisory Board President Mimi Beams	TO:	The Honorable Gilbert Keith-Agaran, Chair The Honorable Maile Shimabukuro, Vice Chair Senate Committee on Judiciary and Labor
Vice President Peter Van Zile Joanne H. Arizumi Mark J. Bennett	FROM:	Adriana Ramelli, Executive Director The Sex Abuse Treatment Center
Andre Bisquera Marilyn Carlsmith	RE:	Testimony in Support of S.B. 384 Relating to Address Confidentiality
Senator Suzanne Chun Oakland Monica Cobb-Adams Donne Dawson	Committee Director of t	noon Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the on Human Services. My name is Adriana Ramelli and I am the Executive the Sex Abuse Treatment Center (SATC), a program of the Kapi'olani nter for Women & Children, an affiliate of Hawai'i Pacific Health.
Dennis Dunn Councilmember Carol Fukunaga David I. Haverly Linda Jameson	SATC supports S.B. 384, establishing an address confidentiality program to help survivors of domestic violence and sexual assault relocate and keep their addresses confidential, and providing funding for this program by creating the address confidentiality program surcharge fund.	
Michael P. Matsumoto Robert H. Pantell, MD Gidget Ruscetta Joshua A. Wisch	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 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 represents an opportunity to place Hawai'i on equal footing with 36 other states that have already enacted address confidentiality programs.

Therefore, we urge you to support S.B. 384 to ensure 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. Thank you for this opportunity to testify.



February 9, 2015

To: Senator Gilbert Keith-Agaran, Chair Senator Maile Shimabukuro, Vice Chair and Members of the Committee on Judiciary and Labor

From: Jeanne Y. Ohta, Co-Chair

RE: SB 384 Relating to Address Confidentiality Hearing: Monday, February 9, 2015, 9:30 a.m., Room 016

POSITION: Strong Support

The Hawai'i State Democratic Women's Caucus writes in strong support of SB384 Relating to Address Confidentiality which would establish an address confidentiality program for survivors of domestic violence, sexual assault, and staking. SB 384 would provide a life-saving tool by allowing survivors to use a substitute legal address in place of their physical address. Additionally, SB 384 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. 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 9, 2015

- To: Senator Gilbert S.C. Keith-Agaran, Chair Senator Maile S.L. Shimabukuro, Chair, and Senator Jill N. Tokuda, Chair Members of the **Senate Committee on Judiciary and Labor, and the Committee on Ways and Means**
- From: Dr. Susan J. Wurtzburg Policy Chair, American Association of University Women – Hawaii

Re. Testimony in Support, SB 384, Relating to Address Confidentiality

I am grateful for this opportunity to testify in strong support of SB 384, providing for address confidentiality of gender violence survivors (specifically of domestic violence, sexual assault, and stalking, each of them, serious crimes). The ability to use a substitute legal address is key to the safety of survivors.

Many years ago, I worked for Christchurch Women's Refuge (a Battered Women's Shelter) in New Zealand. At that time, New Zealand had address confidentiality, and it was an essential strand of police and court policy for maintaining survivors' safety. Providing this service for victims of violence is important since the ultimate penalty for survivors who are located by violent perpetrators is death or serious injury.

It should also be noted that in the USA, many other states (currently 36) have enacted similar types of programs since the early 1990s. Given that we now have 25 years of data indicated the success of these laws for diminishing violence towards adults and children, the time seems ripe for moving SB 384 into Hawaiian law. The success of the law is best ensured by including public outreach and education in the initiative. Plus, the application form should be of a straightforward nature, so that an individual may apply for this service on her own, without requiring a lawyer.

Thank you for the opportunity to testify.



COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair Senator Maile S.L. Shimabukuro, Vice Chair

HEARINGDATE:Monday, February 09, 2015TIME:9:30 amPLACE:Conference Room 016

STRONG SUPPORT FOR SB384 STRONG SUPPORT FOR HB 446, Relating to Address Confidentiality which would establish an address confidentiality program for victims of domestic violence, sexual assault, and stalking.

One of the ways that perpetrators of domestic violence use the system to get at their victims is by using the residential address listed in a TRO or other court document that requires the victim to list her address.

HB 446 would plug this dangerous loophole by allowing victims to use a substitute legal address in place of their physical address. HB 446 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 that 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.

The address confidentiality program originated in Washington in **1991. Since then, thirty-six** other states in the nation have enacted and successfully implemented address confidentiality programs. States that have successfully implemented address confidentiality programs see them 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 Coalition urges the passage of HB 446, and would likewise recommend a strong outreach and education campaign within the division to successfully implement this program.

Mahalo for the opportunity to testify, Ann S. Freed Co-Chair, Hawai`i Women's Coalition Contact: <u>annsfreed@gmail.com</u> Phone: 808-623-5676 February 10, 2015

Testimony in Support of SB384, Relating to Address Confidentiality

To: Senator Gilbert S.C. Keith-Agaran, Chair Senator Maile S.L. Shimabukuro, Vice Chair Members of the Senate Committee on Judiciary and Labor

From: Fawn Jade Koopman, Esq.

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

I would like to thank the committee for the opportunity to provide testimony in strong support of this bill establishing an Address Confidentiality Program ("ACP") in Hawaii. 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 week, 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.

This testimony is provided to your committee to respectfully request the passage of Senate Bill 384, 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.

TO: Senator Gilbert S.C. Keith-Agaran, Chair Senator Maile S.L. Shimabukuro, Vice Chair Members, Committee on Judiciary and Labor

FROM: Domestic Violence Survivor

HEARING: Senate Committee on Judiciary and Labor

Monday, February 9, 2015 at 9:30 a.m. in Conf. Rm. 016

Testimony in Support of SB384, Relating to Address Confidentiality.

Thank you for the opportunity to provide testimony in **support** of SB384, which would establish an address confidentiality program to help survivors of domestic violence and sexual assault to relocate and keep their addresses confidential. I am a domestic violence survivor. In May 2006 I left Hawaii and moved to the mainland with our 2 kids in search of safety from my abuser and the father of our children. I am in support of SB384, Relating to Address Confidentiality. Since I left Hawaii in 2006, my abuser has been able to locate me numerous times. Over the course of 9 years, despite numerous moves between Kauai, Washington and Oahu my abuser has been able to access my address and phone numbers. I've changed my phone number several times to be proactive but due to the ease of accessing my information, he's been able to locate me. Although I have full legal and physical custody of our children, this does not ensure our safety. SB384 would be an added shield of protection that domestic violence survivors like me and my children desperately need.

With the advancement of technology and ease of access it is a continuous struggle to stay safe from my abuser. I'd like to share an experience I've had regarding this issue to shed light on this the importance of supporting bill SB384. We have a child support and medical coverage order in place. All of these forms require my personal information including my current address and phone number. However, because he was ordered to provide medical coverage, he is the health insurance subscriber and policy holder. Therefore, all EOB's Explanation of Benefits from the insurance carrier regarding services rendered for my children are sent to his address. Through this information he was able to track down my children's pediatrician, past and future appointments, our current address, phone numbers as well as narrow down a search area and locate my children's elementary school. This not only puts me, but also my children in danger.

Address confidentiality programs are needed. With the advancement of technology this would be a step in the right direction to protect domestic violence survivors like myself. By supporting this bill, survivors like me would be able to keep our information protected. I'd like to ask that you support bill SB384, to help keep my family and many others like myself safe. Thank you for allowing me to share my support for bill SB384.

Joanna Amberger JDL February 9, 2015, 9:30am SB384

I am writing in support of SB 384. Address confidentiality is key to the safety of victims of violence. Unfortunately address confidentiality is currently breached by court and other processes, with information released to perpetrators of violence, further victimizing those the courts should be protecting. This bill would rectify the situation. Address confidentiality has been established in 36 other US states, with demonstrated improvement to victims' safety, and the costs are fairly minimal to the state. I urge the committee to stand up for victims of violence and ensure the courts take every measure to continue to protect their privacy and safety.

From:	mailinglist@capitol.hawaii.gov
To:	JDLTestimony
Cc:	
Subject:	*Submitted testimony for SB384 on Feb 9, 2015 09:30AM*
Date:	Friday, February 06, 2015 2:51:30 PM

<u>SB384</u>

Submitted on: 2/6/2015 Testimony for JDL on Feb 9, 2015 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

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Subject:	*Submitted testimony for SB384 on Feb 9, 2015 09:30AM*
Date:	Saturday, February 07, 2015 12:42:49 PM

<u>SB384</u>

Submitted on: 2/7/2015 Testimony for JDL on Feb 9, 2015 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Betty Sestak	AAUW Windward	Support	No

Comments:

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To:	JDLTestimony
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Subject:	Submitted testimony for SB384 on Feb 9, 2015 09:30AM
Date:	Sunday, February 08, 2015 8:24:06 AM

<u>SB384</u>

Submitted on: 2/8/2015 Testimony for JDL on Feb 9, 2015 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Jo Morrow	Individual	Comments Only	No

Comments: I am grateful for this opportunity to testify in support of SB384, which will provide for address confidentiality of survivors of domestic violence, sexual assault, and stalking crimes. Our primary duty in these "survivor" cases is to protect them from more assault or violence from their abusers. Providing this service for victims of violence is primary because the ultimate penalty for the survivor by the perpetrator could be death or serious injury.

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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