



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2018**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2346, S.D. 2, RELATING TO ADDRESS CONFIDENTIALITY.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Tuesday, April 3, 2018

**TIME:** 10:30 a.m.

**LOCATION:** State Capitol, Room 308

**TESTIFIER(S):** Russell A. Suzuki, Attorney General, or  
Christopher D.W. Young, Administrator, Hawaii Criminal Justice  
Data Center, (808) 587-3342

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Chair Luke and Members of the Committee:

The Department of the Attorney General supports the intent of this bill.

The purpose of this bill is to establish an address confidentiality program to help protect survivors of domestic abuse, sexual offenses, or stalking by providing survivors with a substitute legal address to be used by state and local government agencies in place of their physical address.

The bill provides for a program director, application assistants, and other personnel, as necessary, for the efficient function of the program. We estimate the cost for personnel consisting of a program director and two application assistants for fiscal year 2018-2019 to be \$172,128, including fringe benefits.

Additionally, in order to effectively carry out the provisions of this bill, the Department of the Attorney General will require additional funding of \$60,000 to house the additional employees (desks, chairs, work cubicles, computers, and phones), and to procure the required equipment and supplies to produce the address confidentiality program authorization cards for the program participants' and secondary program participants' which will require a secure and confidential database for the victim's identity, actual address, and substitute legal address.

In total, we ask that an additional \$232,128 be appropriated to implement and operate the address confidentiality program for fiscal year 2018-2019. Thank you for considering our comments.

DAVID Y. IGE  
GOVERNOR

DOUGLAS S. CHIN  
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA  
DIRECTOR

DAMIEN A. ELEFANTE  
DEPUTY DIRECTOR

**STATE OF HAWAII**  
**DEPARTMENT OF TAXATION**  
830 PUNCHBOWL STREET, ROOM 221  
HONOLULU, HAWAII 96813  
<http://tax.hawaii.gov/>  
Phone: (808) 587-1540 / Fax: (808) 587-1560  
Email: Tax.Directors.Office@hawaii.gov

To: The Honorable Sylvia Luke, Chair  
and Members of the House Committee on Finance

Date: Tuesday, April 3, 2018  
Time: 10:30 A.M.  
Place: Conference Room 308, State Capitol

From: Linda Chu Takayama, Director  
Department of Taxation

Re: S.B. 2346, S.D. 2, Relating to Address Confidentiality

The Department of Taxation (Department) appreciates the intent of S.B. 2346, S.D. 2, and offers the following comments for the Committee's consideration.

S.B. 2346, S.D. 2, establishes the address confidentiality program which provides a substitute address for victims of abuse to use whenever an address is required for public records. The measure has a defective effective date of July 1, 2050.

The Senate Committee on Judiciary made an amendment to this measure at the Department's suggestion. The Department appreciates the consideration of its testimony and notes that it can implement this measure as currently drafted, provided a functional effective date is inserted.

Thank you for the opportunity to provide comments.

HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



Chair  
LESLIE WILKINS

COMMISSIONERS:

SHERRY CAMPAGNA  
CYD HOFFELD  
MARILYN LEE  
JUDY KERN  
AMY MONK  
LISA ELLEN SMITH

Executive Director  
Khara Jabola-Carolus

Email: [kjabola-carolus@dhs.hawaii.gov](mailto:kjabola-carolus@dhs.hawaii.gov)

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

April 2, 2018

To: Rep. Luke, Chair  
Rep. Cullen, Vice Chair  
Honorable Members of the H. Committee on Finance

From: Khara Jabola-Carolus  
Executive Director  
Hawaii'i State Commission on the Status of Women

Re: Testimony in Support, SB2346, SD2 With Amendments

On behalf of the Commission on the Status of Women, mahalo for this opportunity to testify in strong support of SB 2346, SD2, with a recommendation for further amendment.

SB2346, if passed, would establish an address confidentiality program for victims of domestic violence, sexual assault, and stalking. SB 2346, SD2, would assist victims by allowing them to use a substitute legal address to 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.

The majority of U.S. states have enacted and successfully implemented address confidentiality programs. 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 respectfully recommends that § -10(c) be amended to eliminate the mailing service of legal notice to "any of the participant's previous last known actual addresses," because this could endanger survivors' safety and privacy.** Perpetrators may be located at the participant's previous last known address at the time of the notice. The Commission therefore requests that the procedure from §-8 function as the alternative if personal service is not possible.

The Commission urges the passage of SB 2346, SD2, 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.

Mahalo,

Khara Jabola-Carolus



April 3, 2018

To: Representative Sylvia Luke, Chair  
Representative Ty Cullen, Vice Chair and  
Members of the Committee on Finance

From: Jeanne Y. Ohta, Co-Chair

RE: SB 2346 SD2 Relating to Address Confidentiality  
Hearing: Tuesday, April 3, 2018, 10:30 a.m., Room 308

POSITION: Strong Support

The Hawai'i State Democratic Women's Caucus writes in strong support of SB 2346 SD2 Relating to Address Confidentiality which would establish an address confidentiality program for survivors of domestic violence, sexual assault, and stalking. This measure would provide a life-saving tool by allowing survivors to use a substitute legal address in place of their physical address. Additionally, it 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.

We thank the committee for the opportunity to provide testimony.



**HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE**  
1164 Bishop Street, Suite 1609, Honolulu, HI 96813

DATE: April 2, 2018

TO: House Committee on Finance

Rep. Sylvia Luke, Chair

Rep. Romy M. Cachola

Rep. Lynn DeCoite

Rep. Beth Fukumoto

Rep. Cedric Asuega Gates

Rep. Daniel Holt

Rep. Jarrett Keohokalole

Rep. Nicole E. Lowen

Rep. Nadine K. Nakamura

Rep. Chris Todd

Rep. Kyle T. Yamashita

Rep. Andria P.L. Tupola

Rep. Gene Ward

FROM: Carmen Golay, Hawaii State Coalition Against Domestic Violence

RE: Testimony in support with amendments SB2346 SD2  
RELATING TO ADDRESS CONFIDENTIALITY

Aloha:

On behalf of the Hawaii State Coalition Against Domestic Violence (HSCADV) and our 22 member organizations across the state, I am submitting testimony in SUPPORT of SB2346 which creates a safe way for victims of domestic violence, sexual assault and stalking to maintain their confidential addresses.

When survivors flee their abusers it is often difficult to remain hidden, especially on an island. It is not uncommon for abusers to find their victims, stalk them, harass them and create terrifying and dangerous situations. Each time a survivor has to give out their address they risk being found and it may discourage them from seeking help at all. Survivors are required to provide a physical address, (not P.O. boxes) for public agencies, employment, and even court documents. Modern search engine technologies make it easy to search public records and potentially put survivors at risk of being found by their abusers. This legislation would give them an option to use a safe physical address where their mail can go and then be forwarded on to their actual address.

We are grateful to the State Department of the Attorney General who has agreed to administer this vital service and grateful for the appropriations that will be included in the bill. Passing this legislation would be a gift to survivors of intimate partner violence and stalking and would show a commitment to protect citizens from offenders of violence crime. Hawaii would join the other 36 states that have a program like this in place.

We have one concern about amended language included in SD2 and respectfully request consideration to change. On page 20 line 12-18 of this draft states,

*Together we can do amazing things*



**HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE**  
1164 Bishop Street, Suite 1609, Honolulu, HI 96813

*(c) Any court order requiring the disclosure of a program participant's actual address shall be stayed for ten days after written legal notice of the order is personally served upon the program participant; provided that if the participant cannot be physically located, **service of the notice by certified mail to any of the participant's last known actual addresses shall satisfy the requirements of this subsection.***

We are concerned that mailing service of notice to “any of the participant’s previous known actual addresses” could place the notice directly into the hands of the perpetrator of domestic violence or sexual assault. We ask that the procedure provided in “service of process” which begins on page 15 line 19 of this draft be stated as the alternate way that service of notice can be made if personal service is not available.

Proposed language change:

(c) Any court order requiring the disclosure of a program participant's actual address shall be stayed for ten days after written legal notice of the order is personally served upon the program participant; provided that if the participant cannot be physically located, service of the notice ~~by certified mail to any of the participant's last known actual addresses~~ by the procedure provided above in § - 8 for the service of process to a program participant shall satisfy the requirements of this subsection.

As stated above, HSCADV supports SB 2346 and thanks the committee for hearing this testimony.

~ Together we can do amazing things ~



April 1, 2018

Representative Sylvia Luke, Chair  
Representative Ty J.K. Cullen, Vice Chair  
House Committee on Finance

**Re: S.B. 2346 S.D.2 Relating to Address Confidentiality**

**Hearing: Tuesday, April 3, 2016, 10:30 a.m., Room 308**

Dear Chair Luke, Vice Chair Cullen, and Members of the Committee on Finance:

Hawaii Women Lawyers submits testimony in **strong support** of S.B. 2346 S.D.2 Relating to Address Confidentiality, which would establish an address confidentiality program to help survivors of domestic violence, sexual assault, and stalking to relocate and keep their addresses confidential. The bill also appropriates funds to establish the program.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

This measure will help protect women who are victims of domestic violence, sexual assault, and stalking by protecting their location and keeping them safe as they are trying to escape from domestic violence. Women are historically most in danger of death when leaving a violent relationship, and when they change their addresses after assault. With the technology today, it has become increasingly easier to locate victims via publicly available data and social media. The program proposed in the bill to protect victims' safety will help address this issue, and has been successfully implemented in many other states.

For these reasons, we support S.B. 2346 S.D.2, and respectfully ask that you pass this measure. Thank you for the opportunity to submit this testimony.





Executive Director  
Adriana Ramelli

**Advisory Board**

President  
Mimi Beams

Joanne H. Arizumi

Mark J. Bennett

Andre Bisquera

Kristen Bonilla

Marilyn Carlsmith

Dawn Ching

Senator (ret.)  
Suzanne Chun Oakland

Monica Cobb-Adams

Donne Dawson

Dennis Dunn

Steven T. Emura, MD

Councilmember  
Carol Fukunaga

Senator  
Josh Green, MD

David I. Haverly

Linda Jameson

Michael P. Matsumoto

Nadine Tenn Salle, MD

Deane Salter

Joshua A. Wisch

Date: April 3, 2018

To: The Honorable Sylvia Luke, Chair  
The Honorable Ty Cullen, Vice Chair  
House Committee on Finance

From: Justin Murakami, Policy Research Associate  
The Sex Abuse Treatment Center  
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony in Support of S.B. 2346 S.D. 2 with Amendments  
Relating to Address Confidentiality

Good morning Chair Luke, Vice Chair Cullen, and members of the House Committee on Finance:

The Sex Abuse Treatment Center (SATC) supports S.B. 2346 S.D. 2, and respectfully offers a request for further amendment.

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 of violence and intimidation between non-strangers that also includes physical abuse and stalking. In order to ensure 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.

An address confidentiality program would enhance survivors' safety and privacy, providing them the means to shield their actual locations through the use of substitute addresses, and penalizing unauthorized disclosures of actual address information. In addition, by establishing an address confidentiality program, Hawai'i would place itself on equal footing with 36 other states that have already implemented these protections.

We respectfully submit the below comment and request for further amendment of S.B. 2346 S.D. 2:

- The Senate Committee on Ways and Means amended § -10(c), on page 20 line 12 through 18 of this S.D. 2, to reflect that written notice of the court order must be "personally served upon the program participant; provided that if the participant cannot be physically located, service of the notice by certified mail

to any of the participant's last known actual addresses shall satisfy the requirements of this subsection."

However, we are concerned that mailing service of the notice to "any of the participant's previous last known actual addresses" could potentially place the notice, with specific information about the participant's current actual address and where and to whom the disclosure of the participant's address will be made, directly into the hands of the perpetrator of the sexual or domestic violence. Perpetrators sometimes cohabit with their victims at the time of the sexual or domestic violence, and consequently may still be located at one of the participant's previous last known address at the time of the court order and notice.

Therefore, we ask that—rather than risking that the notice could be mailed directly to the perpetrator from whom the program participant sought Address Confidentiality—the procedure provided in § -8 ("Service of Process"), on page 15 line 19 through page 16 line 10 of this S.D. 2, be stated as the alternate way that service of notice can be made if personal service is not possible.

Draft language for this proposed change is appended to this testimony for the Committee's consideration.

By ensuring that survivors of sexual assault who are forced to relocate in order to escape their attackers are able to enjoy the security and peace of mind that is due to them, your support of S.B. 2346 S.D. 2, with the above requested amendment, is a powerful reaffirmation of the State of Hawai'i's commitment to protect its citizens from offenders of violent crime.

**Appendix A**

Proposed Draft Language for § -10(c), on page 20 line 12 through 18 of S.B. 2346 S.D. 2

(c) Any court order requiring the disclosure of a program participant's actual address shall be stayed for ten days after written legal notice of the order is personally served upon the program participant; provided that if the participant cannot be physically located, service of the notice ~~by certified mail to any of the participant's last known actual addresses by the procedure provided above in § -8 for the service of process to a program participant~~ shall satisfy the requirements of this subsection.

**SB-2346-SD-2**

Submitted on: 4/2/2018 9:40:08 AM

Testimony for FIN on 4/3/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

## Comments:

To the Honorable Sylvia Luke, Chair; the Honorable Ty J.K. Cullen, Vice-Chair and Members of the Committee on Finance:

Good morning, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") on Legislative Priorities of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SB2346 SD2** relating to the AG; Address Confidentiality Program; Domestic Abuse; Sexual Offense; Stalking; and an appropriation.

The OCC on Legislative Priorities is in favor of **SB2346 SD2** and supports its passage.

**SB2346 SD2** establishes the address confidentiality program within the Department of the Attorney General to help survivors of domestic abuse, sexual assault, and stalking to relocate and keep the location of their physical address confidential and it makes an appropriation to the Department of the Attorney General that is effective 7/1/2049, effective 7/1/2050.

Specifically, the Platform of the DPH provides that "[w]e believe in women's equality and right to privacy, including but not limited to equal access to reproductive services and care, shelter and counseling for victims of domestic violence, and the right of rape victims to emergency contraception in the emergency room." (Platform of the DPH, P. 2, Lines 170-172 (2016)).

We support restorative justice that repairs the harm caused by criminal behaviors and reintegrates the offenders as contributing members of society. (Platform of the DPH, P. 5, Lines 273-274 (2016)).

Given that **SB2346 SD2** establishes the address confidentiality program within the Department of the Attorney General to help survivors of domestic abuse, sexual assault, and stalking to relocate and keep the location of their physical address

confidential and it makes an appropriation to the Department of the Attorney General that is effective 7/1/2049, effective 7/1/2050, it is the position of the OCC on Legislative Priorities to support this measure.

Thank you very much for your kind consideration.  
Sincerely yours,

/s/ Melodie Aduja  
Melodie Aduja, Chair, OCC on Legislative Priorities of the DPH  
Email: legislativepriorities@gmail.com, Text/Tel.: (808) 258-8889

To: Hawaii State House of Representatives Committee on Finance  
Hearing Date/Time: Tues., Apr. 2, 2018, 10:30 a.m.  
Place: Hawaii State Capitol, Rm. 308  
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in support of S.B. 2346, SD2, relating to Address Confidentiality

Dear Chair Luke and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong support of S.B. 2346, SD2, which seeks to establish the address confidentiality program to help survivors of domestic abuse, sexual assault, and stalking to relocate and keep their addresses confidential.

Passage of this bill is long overdue for those survivors of partner violence who are stalked, harassed and intimidated through pursuit. Requiring survivors to provide their current addresses when seeking help places them at further risk and could discourage them from seeking help because the address could be discovered or overheard by an abuser.

Currently, we are one of a minority of states that currently do not have an address confidentiality program, which works by giving victims a legal substitute address to use in place of their physical address. The address can be used whenever an address is required by public agencies and first class mail sent to the substitute address is forwarded to the victim's actual address. Please help to ensure survivors' safety by passing this bill.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,

Laurie Field  
Hawaii Legislative Director



April 1, 2018

To: Hawaii State House Committee on Finance  
Hearing Date/Time: Tuesday, April 3, 2018 (10:30 am)  
Place: Hawaii State Capitol, Rm. 308  
Re: Testimony in support of SB2346 SD2

Dear Representative Sylvia Luke (Chair), Representative Ty J. K. Cullen (Vice Chair) and Members of the Committee,

I am grateful for this opportunity to testify in **strong support of S.B. 2346 S.D. 2**, relating to 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.

My testimony is on behalf of the approximately 400 members of the American Association of University Women (AAUW) in Hawaii, who list gender-based violence as an important current concern.

This submission is informed by many years of work in the field of domestic violence, and research conducted with survivors of intimate partner violence. In addition, when I lived in New Zealand, I managed a 24-hour, 7-days/week domestic violence hotline, and trained Advocates for Women to respond skillfully and empathetically to survivors of violence. At many times, we worked with police, courts, and other service agencies on behalf of survivors. 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, and family members, who are located by violent perpetrators is death or serious injury.

It should also be noted that in the USA, many other states (currently 30+) 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 S.B. 2346 S.D. 2 into Hawaiian law. It should also be ensured that 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's assistance. I am also concerned that information about this service or the confidential location should never be delivered to the original physical location, since this would risk the safety of the survivor and family members.

In conclusion, passage of S.B. 2346 S.D. 2 is an important step in improving justice for women.

Thank you for the opportunity to testify.

Sincerely

*Susan J. Wurtzburg*, Ph.D.

Policy Chair

April 1, 2018

Representative Scott Y. Nishimoto, Chair  
Representative Joy San Buenaventura, Vice Chair  
Members of the Committee on Judiciary

**RE: S.B. 2346 SD2, Relating to Address Confidentiality**

Aloha,

My name is Nichole Fian. I am a Master of Social Work Student at the University of Hawaii at Mānoa. I am in **strong support of S.B. 2346 SD2, Relating to Address Confidentiality**. If this bill is passed, the state would be able to protect survivors of intimate partner violence, sexual assaults, stalking, to prevent the perpetrator from finding the survivor as well as the prevention of re-traumatization towards survivors.

There are currently thirty-six states that has an address confidentiality program. Having one in the state of Hawaii would enhance the survivors' safety, privacy, and protection. Having an address confidentiality program would be used for survivors whenever addresses are required and will be public.

Mahalo Nui for the opportunity to provide my testimony,

Nichole Fian, MSW  
[nfian@hawaii.edu](mailto:nfian@hawaii.edu)



**LATE**

**SB-2346-SD-2**

Submitted on: 4/2/2018 2:51:19 PM

Testimony for FIN on 4/3/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Minton	Individual	Support	No

Comments:

I strongly support SB2346 SD2 with HSCADV's amendments which request the language surrounding sending notice to participant's last known address if the participant cannot be physically located to be CHANGED TO "by the procedure provided above in -8 for the service of process to a program participant" in order to satisfy the requirements of the subsection.

It's important that we don't put the participant at any additional risk for harm by the abuser such as mailing a notice to the last address on file where the abuser may still reside.

Thank you for supporting such important protections of rights in our state.



**LATE**

TO: Chair Luke  
Vice Chair Cullen  
Members of the Committee

FR: Nanci Kreidman, M.A

Re: Testimony in Support of SB2346, SD2 Relating to Address Confidentiality

Aloha. Thank you 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.

The amended version of this Bill raises concern that we would like you to consider. There are numerous women whose safety may be preserved as a result of this legislation. These are not perceived or imagined threats to survivor’s safety. At the Domestic Violence Action Center we see countless examples of stalking, harassment and pursuit that establishes risk to safety and urgent terror. There is no question an ACP is necessary in the State of Hawaii.

The amended version of this Bill before you today raises concern that we would like you to consider.

On page 20 line 12-18 of this draft language states,

(c) Any court order requiring the disclosure of a program participant's actual address shall be stayed for ten days after written legal notice of the order is personally served upon the program participant;

**DOMESTIC VIOLENCE ACTION CENTER**

ADDRESS: P.O. BOX 3198, HONOLULU, HI 96801-3198

LEGAL HELPLINE: (808) 531-3771

TOLL-FREE NEIGHBOR ISLAND HELPLINE: (800) 690-6200

WEBSITE: [WWW.DOMESTICVIOLENCEACTIONCENTER.ORG](http://WWW.DOMESTICVIOLENCEACTIONCENTER.ORG)

EMAIL: [DVAC@STOPTHEVIOLENCE.ORG](mailto:DVAC@STOPTHEVIOLENCE.ORG)



provided that if the participant cannot be physically located, service of the notice by certified mail to any of the participant's last known actual addresses shall satisfy the requirements of this subsection..

We are concerned that mailing service of notice to “any of the participant’s previous known actual addresses” could place the notice directly into the hands of the perpetrator of domestic violence or sexual assault. We ask that the procedure provided in “service of process” which begins on page 15 line 19 of this draft be stated as the alternate way that service of notice can be made if personal service is not available.

**Proposed language change:**

*(c) Any court order requiring the disclosure of a program participant's actual address shall be stayed for ten days after written legal notice of the order is personally served upon the program participant; provided that if the participant cannot be physically located, service of the notice by ~~certified mail to any of the participant's last known actual addresses~~ the procedure provided above in § - 8 for the service of process to a program participant shall satisfy the requirements of this subsection.*

This testimony is provided to your committee to respectfully request the passage of Senate Bill 2346, SD2, with the suggested amendment. The favorable action by this Committee addresses a significant concern for survivors of domestic violence, and will facilitate their efforts to maintain a life free from abuse.

Thank you.

**DOMESTIC VIOLENCE ACTION CENTER**

ADDRESS: P.O. BOX 3198, HONOLULU, HI 96801-3198  
LEGAL HELPLINE: (808) 531-3771  
TOLL-FREE NEIGHBOR ISLAND HELPLINE: (800) 690-6200  
WEBSITE: WWW.DOMESTICVIOLENCEACTIONCENTER.ORG  
EMAIL: DVAC@STOPTHEVIOLENCE.ORG



**LATE**

**TO: Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance**

**FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)**

**DATE/LOCATION: April 3, 2018; 10:30 a.m., Conference Room 308**

**RE: TESTIMONY IN SUPPORT OF SB 2346 – RELATING TO ADDRESS CONFIDENTIALITY**

**We urge you to support SB 2346– Relating to establishing the Address Confidentiality Program to help survivors of domestic abuse, sexual assault, and stalking to relocate and keep their addresses confidential.** We support this bill which would establish the Address Confidentiality Program in the department of the attorney general to protect the confidentiality of the actual address of a victim of domestic abuse, a sexual offense, or stalking and to prevent the victim's assailants or potential assailants from finding the victim through public records. 36 states have launched address confidentiality programs that help to protect victims of crimes such as sexual assault, domestic violence and stalking.

As a provider of domestic violence services, we work with survivors of abuse and violence who find it difficult to keep their perpetrators from finding them or who live in fear daily that their perpetrators will find them. Living in fear is not okay and does nothing to help one to move forward. Survivors of stalking or abuse are often burdened not only by the trauma they endured but also by the residual, time-consuming, process of getting to a safe place and staying safe. This process can include many time intensive responsibilities including but not limited to obtaining TROs, going to court appearances, and attending individual or group therapy sessions all while trying to keep their identities and whereabouts protected. In addition to their daily responsibilities, these individuals are juggling many additional obligations on their road to being safe and having their address remain confidential would help to alleviate fear and aid them in this process.

Many of our clients who are brave enough or lucky enough to escape traumatic relationships and abusive experiences are working hard to rebuild their lives. This bill will allow them to focus on putting the pieces of themselves and their lives back together to become healthy and whole again. All survivors deserve to be safe. All people deserve to be safe. With laws in place

that help to protect their safety, we can all work together to help them triumph over trauma and focus on the positive future ahead.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 18,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 16 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, child and adolescent behavioral health programs, sex trafficking intervention, and community building programs.

Thank you for the opportunity to testify in **support of SB 2346**, please contact me at (808) 847-3285 or [rkusumoto@pacthawaii.org](mailto:rkusumoto@pacthawaii.org) if you have any questions.

**LATE**

**SB-2346-SD-2**

Submitted on: 4/2/2018 3:32:44 PM

Testimony for FIN on 4/3/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Monk	Individual	Support	No

Comments:



**COMMITTEE ON FINANCE**

**Rep. Sylvia Luke, Chair**

**Rep. Ty J.K. Cullen, Vice Chair**

DATE: Tuesday, April 3, 2018

TIME: 10:30 A.M.

PLACE: Conference Room 308

**STRONG SUPPORT FOR SB 2346 Address Confidentiality for victims of domestic violence**

Aloha Chair Luke, Vice Chair Cullen and members,

We are concerned about the following SD2 amendment: § -10(c), on page 20 line 12 through 18 to that written notice of the court order must be “personally served upon the program participant; provided that if the participant cannot be physically located, service of the notice by certified mail to any of the participant’s last known actual addresses shall satisfy the requirements of this subsection.”

This undermines the whole purpose of this legislation. Mailing service of the notice to “any of the participant’s previous last known actual addresses” could disclose the survivor’s address directly to in perpetrator of sexual or domestic violence. Perpetrators often are living with their victims at the time of the sexual or domestic violence, and consequently may **still** be located at one of the participant’s last known address at the time of the court order and notice.

So back to why this important to begin with... In 2008 Royal Kaukani, 25, was gunned down in broad daylight, allegedly by her ex-boyfriend whom she had a protective order against an order that did nothing to protect her life. In December of last year Kevin Walts was charged with choking his 33-year-old girlfriend in Waikiki. He was charged in three other assaults.

According to Hawaii Says NO MORE 575 Hawaii domestic violence survivors seek support from local programs every day, and 50,000 women between 18 and 64 are victims of domestic violence each year.

A day does not go by in our aloha state that some woman and/or her children are not assaulted and too often killed by domestic abusers. Sadly, even if they report or go to a shelter there is no guarantee that the perpetrator will not find them because court paper work demands that the victim make her address a matter of public record. Keep in mind that perpetrators will go to any length to find their victims in order to re-abuse and often kill them.

This bill will only correct this deadly deficiency if survivors’ addresses are truly and fully confidential. Here is suggested language: § -10(c), on page 20 line 12 through 18 of S.B. 2346 S.D. 2(c) Any court order requiring the disclosure of a program participant’s actual address shall be stayed for ten days after written legal notice of the order is personally served upon the program participant; provided that if the participant cannot be physically located, service of the notice by certified mail to any of the participant’s last known actual addresses by the procedure provided above in § -8 for the service of process to a program participant shall satisfy the requirements of this subsection.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai‘i Women’s Coalition

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**SB-2346-SD-2**

Submitted on: 4/2/2018 9:34:18 PM

Testimony for FIN on 4/3/2018 10:30:00 AM

**LATE**

Submitted By	Organization	Testifier Position	Present at Hearing
Doris Segal Matsunaga	Individual	Support	No

Comments:

We support common sense gun legislation such as this. Make Hawaii safer and saner.

Peter Matsunaga and Doris Segal Matsunaga

Aiea, Hawaii