

JAN 17 2020

A BILL FOR AN ACT

RELATING TO PROTECTIVE ORDERS.

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

1 SECTION 1. The legislature finds that promoting the safety
2 of persons granted long-term protective orders is inherent in
3 the objective of the orders. The legislature further finds that
4 the current method by which protected individuals can prove the
5 existence of an order is cumbersome. Protected individuals,
6 including young minors, need to carry the nine-page documents at
7 all times. Doing so is not only inconvenient, but may quickly
8 render the order illegible due to wear and tear.

9 The legislature believes that a better alternative has been
10 implemented in other states: the option to carry an
11 identification card the size of a driver's license that provides
12 all the information needed for law enforcement agencies to
13 verify a long-term protective order's existence. The
14 legislature finds that these types of cards, known as "hope
15 cards," are durable, waterproof, and easily portable. The
16 cards' functionality serves to increase the safety of the



1 persons protected by these orders by making it easy to carry
2 proof of protection on a daily basis.

3 Accordingly, the purpose of this Act is to establish a
4 Hawaii hope card program within the department of the attorney
5 general.

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

9 "PART . HAWAII HOPE CARD PROGRAM

10 §28- Hawaii hope card program. (a) There is
11 established within the department of the attorney general the
12 Hawaii hope card program. The program shall be responsible for
13 issuing hope cards to grantees of a long-term protective order,
14 at a grantee's request, for the purpose of allowing law
15 enforcement agencies to quickly verify the existence of, and
16 more easily obtain information on, the long-term protective
17 order. Hope cards are intended to provide a more convenient
18 method by which protected individuals can prove that a
19 protective order is in place. The cards are not intended to
20 replace the original protective orders granted by the court.



1 (b) Any person who has been granted a long-term protective
2 order may request a hope card by submitting an application to
3 the department of the attorney general on a form prescribed by
4 that department. After verifying the validity of the long-term
5 protective order upon which the application is based, the
6 department of the attorney general shall issue the applicant a
7 hope card; provided that duplicate hope cards may be issued to
8 an applicant as necessary, including in the following
9 situations:

10 (1) For the applicant to provide the hope card to a school
11 or employer;

12 (2) To enable use of the hope card by a child or other
13 individual covered by the long-term protective order;
14 or

15 (3) For the applicant to provide the hope card to a
16 school, day care program, or other similar institution
17 attended by a child or other individual covered by the
18 long-term protective order.

19 (c) A hope card shall be laminated, similar in size and
20 shape to a credit card, display a color photograph of the person
21 to be restrained by the long-term protective order, if



1 available, and contain essential information about the long-term
2 protective order, including:

- 3 (1) Identifying characteristics of the person to be
4 restrained, including name, date of birth, sex, race,
5 eye and hair color, height, weight, and any
6 distinguishing features such as scars or tattoos;
- 7 (2) The case number and the issuing court of the long-term
8 protective order;
- 9 (3) The issuance and expiration dates of the long-term
10 protective order;
- 11 (4) Identifying characteristics of the applicant,
12 including name, date of birth, sex, race, eye and hair
13 color, height, and weight; and
- 14 (5) The names and birth dates of any children or other
15 individuals who are also covered by the long-term
16 protective order.

17 (d) Hope cards and duplicates shall be issued at no charge
18 to applicants.

19 (e) For the purposes of this part, "long-term protective
20 order" means a protective order that is to remain in effect for



1 a period of more than ninety days under section 604-10.5, or for
2 a period of more than one hundred eighty days under chapter 586.

3 **§28- Access to Hawaii hope card program information;**
4 **verification.** (a) The Hawaii hope card program shall inform
5 the Hawaii criminal justice data center when hope cards have
6 been issued for a protective order. This information shall be
7 made available to law enforcement personnel seeking to verify
8 the validity of the hope card or its underlying protective
9 order.

10 (b) Access authorized by this section may be provided in
11 coordination with the Hawaii criminal justice data center
12 established under chapter 846.

13 **§28- Prohibitions; penalty.** (a) No applicant or
14 program participant shall knowingly provide false information on
15 an initial application or renewal application.

16 (b) An applicant or program participant who violates this
17 section shall be fined not more than \$500.

18 **§28- Rulemaking authority.** The attorney general shall
19 adopt rules pursuant to chapter 91 as necessary to carry out the
20 purposes of this part."



S.B. NO. 2480

1 SECTION 3. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$30,000 or so much
 3 thereof as may be necessary for fiscal year 2020-2021 for the
 4 department of the attorney general to administer the Hawaii hope
 5 card program.

6 The sum appropriated shall be expended by the department of
 7 the attorney general for the purposes of this Act.

8 SECTION 4. No later than January 1, 2021, the department
 9 of the attorney general shall develop and implement the Hawaii
 10 hope card program that is established by section 2 of this Act.

11 SECTION 5. This Act shall take effect on July 1, 2020.

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INTRODUCED BY:

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S.B. NO. 2480

Report Title:

AG; Protective Orders; Hope Card Program; Appropriation

Description:

Establishes a Hawaii Hope Card Program within the Department of the Attorney General to issue cards verifying a person's long-term protective order. Appropriates funds.

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

