

OFFICE OF THE LIEUTENANT GOVERNOR
Ke Ke'ena O Ka Hope Kia'aina

TO: Chair David Tarnas
Vice Chair Gregg Takayama
Members of the House Committee on Judiciary and Hawaiian Affairs

FROM: Sylvia Luke, Lieutenant Governor

RE: Testimony for H.B. 1260 – Relating to Address Confidentiality

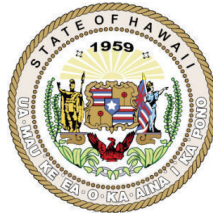
DATE: February 9, 2023

Thank you for the opportunity to provide testimony in **strong support of H.B. 1260** which changes the administration of the address confidentiality program from the Office of the Lieutenant Governor to the Department of Law Enforcement and appropriates funds for positions, operating costs, and equipment to support administering the address confidentiality program.

The Legislature passed Act 115, Session Laws of Hawaii 2018 and Act 274, Session Laws of Hawaii 2019 which protects the confidentiality of the actual address of survivors of domestic abuse, sexual offenses, or stalking from public record. Working together with domestic violence non-profit organizations, the State will assign a substitute address that receives first-class, certified, or registered mail and forward that mail to the survivor's actual address. While I fully support this important program, the open nature of my office and the State Capitol creates safety concerns, and it is more appropriate to house this program in the Department of Law Enforcement where abusers and stalkers would be deterred from visiting.

Thank you for the opportunity to provide testimony in strong support of H.B. 1260.

JOSH GREEN
GOVERNOR



JORDAN LOWE
DIRECTOR

MICHAEL S. VINCENT
Deputy Director
Administration

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'opalekana Lehulehu

1177 Alakea Street
Honolulu, Hawaii 96813
(808) 587-2562

Vacant
Deputy Director
Law Enforcement

No.

TESTIMONY ON HOUSE BILL 1260
RELATING TO ADDRESS CONFIDENTIALITY
Before the House Committee on Judiciary & Hawaiian Affairs
Thursday, February 9, 2023; 2:00 p.m.
State Capitol Conference Room 325, Via Videoconference
Testifiers: Jordan Lowe or Michael Vincent

Chair Tarnas, Vice Chair Takayama, and members of the Committee:

The Department of Law Enforcement (DLE) strongly supports House Bill 1260.

This bill transfers the Address Confidentiality Program from the Lieutenant Governor to the DLE, authorizes the program to contract services of a third-party administrator, and appropriates funds for positions and operation.

This program is essential for many survivors of domestic abuse, sexual assault, and stalking who are moving or relocating and need to keep the location of their physical address confidential to safely escape the violator and continue a path of healing, rebuilding, and commencing what should be a new lease on life. This bill is needed to authorize the DLE to administer the Address Confidentiality Program and help provide a measure of safety, security, and relief for many of these victims.

This bill also authorizes the DLE to contract with a third-party administrator to administer the program which includes assigning a substitute address for those participating in the program, receiving certain mail for the participants, and acting as an agent for service of process for the participants. While the DLE will have law enforcement officers, including investigators, who will address any law enforcement issues relating to those trying to locate the participants, it is foreseeable that the day-to-

day administration of the mail and service aspects of the program may be something appropriate for a third-party if not performed by staff.

The appropriation is needed for the DLE to properly fulfill its obligations under the Address Confidentiality Program. At this time, we believe the amount of \$280,000 should be sufficient for fiscal year 2023-2024 and 2024-2025 with two (2) full-time equivalent (2 FTE) positions.

Thank you for the opportunity to testify in strong support on this bill.

HB-1260

Submitted on: 2/8/2023 1:25:08 PM

Testimony for JHA on 2/9/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
nanci kreidman	domestic violence action center	Support	Written Testimony Only

Comments:

aloha,

Hawaii is one of very few states that does not have a functioning address confidentiality program. it is astonishing that despite all we know about danger, risk, and harm survivors and their families do not have this option to preserve the confidentiality of their location.

please pass this bill with favorable action.

thank you for your consideration.



February 9, 2023

Members of the House Committee on Judiciary & Hawaiian Affairs

Chair David A. Tarnas

Vice Chair Gregg Takayama

Rep. Sonny Ganaden

Rep. Troy N. Hashimoto

Rep. Daniel Holt

Rep. Linda Ichiyama

Rep. Greggor Ilagan

Rep. Sam Satoru Kong

Rep. John M. Mizuno

Rep. Kanani Souza

Re: HB1260 Relating to Address Confidentiality

Dear Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary & Hawaiian Affairs:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) addresses the social, political, and economic impacts of domestic violence on individuals, families, and communities. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 28 member programs statewide, I respectfully submit testimony in **support of HB1260 and respectfully suggest three (3) amendments** to this measure. The amendments reflect the concerns of victim service providers on the time and resources necessary to successfully implement and administer the Address Confidentiality Program (the Program).

1. We recommend deleting lines 4-7 on page 1, Contract for administrative services.

The administration of this program should not be outsourced to a third party. Implementation and management of this Program is complex, regardless of the number of survivors enrolled in the program, with consequences affecting survivor safety. Implementation and administration must have a survivor-centered, trauma informed approach in addition to certain technical expertise.



The purpose of the Program is to protect survivors of domestic violence, sex assault and stalking from their abuser by keeping their home address from public records. This would be achieved by assigning a substitute mailing address, forwarding first class, certified, or registered mail at no cost to the survivor and acting as agent for purposes of process of service of all legal process in the State of Hawai'i. The successful implementation and administration of this Program requires buy-in, collaboration and training of other state agencies including, but not limited, the Office of Elections, Department of Human Services, Department of Education, and public utilities. **Programs in other states are successful when the program staff and the administration rules governing their program have the full weight of a state agency behind them.**

2. We also recommend adding a section to HRS 801G creating an address confidentiality program governance committee, modeled after HRS 353-137 Automated victim information and notification system governance committee.

The address confidentiality program governance committee members should at minimum include:

- a victim;
- one representative from a victim assistance program in each county
- one representative from each of:
 - Hawai'i State Coalition Against Domestic Violence;
 - Sex Abuse Treatment Center;
 - Domestic Violence Action Center; and
 - Crime victim compensation commission.

with the purpose of advising the department of law enforcement on the :

- implementation and operation of the program;
- staffing requirements;
- policies and procedures governing the implementation and operation of the program, intended to safeguard the safety, confidentiality, and autonomy of victims.

The establishment of the address confidentiality program governance committee will advise the department of law enforcement on the implementation of the program in a survivor-centered, trauma informed manner, including the best practices established by other programs across the nation.

3. Finally, we recommend amending the effective date of Section 6 of this bill to January 1, 2024 to allow time for the formation of the governance committee, hiring, staffing, training



HAWAI'I STATE
**COALITION AGAINST
DOMESTIC VIOLENCE**

and collaboration across state agencies. It is imperative that this Program is well designed and implemented from the start, anything else would be an injustice to survivors.

Thank you for the opportunity to testify on this important matter.

Sincerely,
Angelina Mercado, Executive Director

**HAWAI'I
PACIFIC
HEALTH**

KAPI'OLANI
THE SEX ABUSE
TREATMENT CENTER



To: Rep David A Tarnas , Chair
Rep Gregg Takayama, Vice Chair

From: Lynn Costales Matsuoka, Executive Director
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony on HB 1260
Relating to Address Confidentiality

Hearing: February 9 , 2023, Conference Room 325 2:00pm

Good afternoon, Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary & Hawaiian Affairs:

The Sex Abuse Treatment Center stands in support of HB1260 and asks for this Committee's consideration of the amendments submitted by the Hawai'i State Coalition Against Domestic Violence in its written testimony in support of HB1260.

The SATC is a program that serves victims of sexual violence. This includes sexual violence between domestic and intimate partners. We are a direct service program, and our clients are equally concerned about their confidentiality.

Confidentiality is the cornerstone of keeping many survivors safe to include their children and loved ones. We echo the concerns surrounding outsourcing the administration of this program to a third party. Many agencies do not have the capacity to oversee a large project such as this, nor the authority, real or perceived, to lead, and direct government departments to successfully implement processes that will have a direct impact on victim safety. Buy in and collaboration will be key to the success of this program and the easiest way to accomplish that is allowing it to be government led.

That said, the SATC does support a collaborative approach to this program, which includes victim service providers and victim advocates. Insofar as the confidentiality program will impact victims directly, inclusion of victim service providers will assure that the needs and concerns of victims are represented, heard and considered. While the SATC has confidence in the Department of Law Enforcement, having victim advocates and service providers at the table can be invaluable in developing a program where victim safety remains the focal point.

Thank you for your consideration on this important matter.

HB-1260

Submitted on: 2/8/2023 8:29:53 AM

Testimony for JHA on 2/9/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dr. Faith Joyner	Individual	Support	Written Testimony Only

Comments:

Aloha, I support this bill. Mahalo for your consideration.