

ACT 142

S.B. NO. 1419

A Bill for an Act Relating to Domestic Violence.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 235-102.5, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Notwithstanding any law to the contrary, any individual whose state income tax refund for any taxable year is \$5 or more may designate \$5 of the refund to be paid over as follows:

- (1) One-third to the Hawaii children’s trust fund under section 350B-2; and
- (2) Two-thirds to be divided equally among:
 - (A) The domestic violence [prevention] and sexual assault special fund under the department of health in section 321-1.3;
 - (B) The spouse and child abuse special account under the department of human services in section 346-7.5; and
 - (C) The spouse and child abuse special account under the judiciary in section 601-3.6.

When designated by a taxpayer submitting a state income tax return to the department, the department of budget and finance shall allocate the moneys among the several funds as provided in this subsection. In the case of a joint return of a husband and wife having a state income tax refund of \$10 or more, each spouse may designate that \$5 be paid over as provided in this subsection. The director of taxation shall revise the individual state income tax form to allow the designation of contributions pursuant to this subsection on the face of the tax return and immediately above the signature lines. If no designation was made on the original tax return when filed, a designation may be made by the individual on an amended return filed within twenty months and ten days after the due date for the original return for such taxable year. A designation once made, whether by an original or amended return, may not be revoked.”

SECTION 2. Section 321-1.3, Hawaii Revised Statutes, is amended to read as follows:

“**§321-1.3 Domestic violence [prevention] and sexual assault special fund.** (a) There is established within the state treasury a special fund to be known as the domestic violence [prevention] and sexual assault special fund to be administered and expended by the department of health.

(b) The moneys in the special fund shall be reserved for use by the department of health for [staff] programs and grants or purchases of service consistent with chapter 42D that support or provide domestic violence and sexual assault intervention or prevention as authorized by law. Moneys in the special fund shall be used for new or existing programs and shall not supplant any other moneys previously allocated to these programs.

(c) Fees remitted pursuant to section 338-14.5, income tax remittances allocated under section 235-102.5, interest and investment earnings attributable to the moneys in the special fund, and grants, donations, and contributions from private or public sources for the purposes of the fund, shall be deposited into the special fund.

(d) The department of health shall submit an annual report to the legislature no later than twenty days prior to the convening of each regular session[;] providing [an] the following:

- (1) An accounting of the receipts of, and expenditures from, the special fund[-]; and
- (2) Recommendations on how to improve services for victims of domestic violence and sexual assault.”

SECTION 3. Section 338-14.5, Hawaii Revised Statutes, is amended to read as follows:

“§338-14.5 Copies of certificate; fees. The fees for certified copies of birth, marriage, divorce, or death certificates issued by the department of health shall consist of \$10 for the first copy issued and \$4 for each copy issued thereafter. These fees shall be collected for each single request for certified copies. All fees received for the issuance of certified copies of birth, marriage, divorce, or death certificates shall be remitted to the director of health. Upon the receipt of remittances under this section, the director of health shall deposit:

- (1) \$1 for each certified copy to the credit of the spouse and child abuse special account established under section 346-7.5;
- (2) \$1 for each certified copy to the credit of the spouse and child abuse special account established under section 601-3.6;
- (3) \$1 for each certified copy to the credit of the domestic violence [prevention] and sexual assault special fund established under section 321-1.3;
- (4) \$1 for each certified copy to the credit of the vital statistics improvement special fund established under section 338-14.6; and
- (5) The remainder of the fee for each certified copy to the credit of the state general fund.”

SECTION 4. (a) The department of health shall work with providers of services to victims of domestic violence to develop a five-year strategic plan to reduce the incidence of domestic violence and to increase support to victims of domestic violence. The department shall submit a report on the plan to the legislature no later than twenty days prior to the convening of the regular session of 2006. The report shall detail how the plan is being implemented to achieve the purpose of this section.

(b) The department of health shall work with the sexual violence strategic planning groups to implement the recommendations of the January 2005 strategic plan entitled “Shaping Tomorrow, The Future of Sexual Violence Programs in Hawaii” that was presented by the sexual violence strategic planning group. The department of health shall submit a report to the legislature no later than twenty days prior to the convening of the 2006 regular session detailing the progress made with implementation of the recommendations of the strategic plan.

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SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved June 21, 2005.)