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# A BILL FOR AN ACT

RELATING TO ANGER MANAGEMENT.

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

1           SECTION 1. Section 586-4, Hawaii Revised Statutes, is  
2 amended by amending subsection (e) to read as follows:  
3           "(e) When a temporary restraining order is granted and the  
4 respondent or person to be restrained knows of the order, a  
5 knowing or intentional violation of the restraining order is a  
6 misdemeanor. A person convicted under this section shall  
7 ~~[undergo domestic violence intervention]~~ be ordered by the court  
8 for an assessment at any available domestic violence program ~~[as~~  
9 ~~ordered by the court.]~~ and shall complete a domestic violence  
10 intervention course or anger management counseling as determined  
11 by the domestic violence program. The court additionally shall  
12 sentence a person convicted under this section as follows:  
13           (1) Except as provided in paragraph (2), for a first  
14 conviction for a violation of the temporary  
15 restraining order, the person shall serve a mandatory  
16 minimum jail sentence of forty-eight hours and be  
17 fined not less than \$150 nor more than \$500; provided



1 that the court shall not sentence a defendant to pay a  
2 fine unless the defendant is or will be able to pay  
3 the fine;

4 (2) For a first conviction for a violation of the  
5 temporary restraining order, if the person has a prior  
6 conviction for any of the following felonies:

7 (A) Section 707-701 relating to murder in the first  
8 degree;

9 (B) Section 707-701.5 relating to murder in the  
10 second degree;

11 (C) Section 707-710 relating to assault in the first  
12 degree;

13 (D) Section 707-711 relating to assault in the second  
14 degree;

15 (E) Section 707-720 relating to kidnapping;

16 (F) Section 707-721 relating to unlawful imprisonment  
17 in the first degree;

18 (G) Section 707-730 relating to sexual assault in the  
19 first degree;

20 (H) Section 707-731 relating to sexual assault in the  
21 second degree;



- 1 (I) Section 707-732 relating to sexual assault in the
- 2 third degree;
- 3 (J) Section 707-733.6 relating to continuous sexual
- 4 assault of a minor under the age of fourteen
- 5 years;
- 6 (K) Section 707-750 relating to promoting child abuse
- 7 in the first degree;
- 8 (L) Section 708-810 relating to burglary in the first
- 9 degree;
- 10 (M) Section 708-811 relating to burglary in the
- 11 second degree;
- 12 (N) Section 709-906 relating to abuse of family or
- 13 household members; or
- 14 (O) Section 711-1106.4 relating to aggravated
- 15 harassment by stalking;
- 16 and if any of these offenses has been committed
- 17 against a family or household member as defined in
- 18 section 586-1, the person shall serve a mandatory
- 19 minimum term of imprisonment of fifteen days and be
- 20 fined not less than \$150 nor more than \$600; provided
- 21 that the court shall not sentence a defendant to pay a



1 fine unless the defendant is or will be able to pay  
2 the fine; and

3 (3) For the second and any subsequent conviction for a  
4 violation of the temporary restraining order, the  
5 person shall serve a mandatory minimum jail sentence  
6 of thirty days and be fined not less than \$250 nor  
7 more than \$1,000; provided that the court shall not  
8 sentence a defendant to pay a fine unless the  
9 defendant is or will be able to pay the fine.

10 Upon conviction and sentencing of the defendant, the court  
11 shall order that the defendant immediately be incarcerated to  
12 serve the mandatory minimum sentence imposed; provided that the  
13 defendant may be admitted to bail pending appeal pursuant to  
14 chapter 804. The court may stay the imposition of the sentence  
15 if special circumstances exist.

16 The court may suspend any jail sentence, except for the  
17 mandatory sentences under paragraphs (1), (2), and (3) upon  
18 condition that the defendant remain alcohol and drug-free,  
19 conviction-free, or complete court-ordered assessments or  
20 intervention. Nothing in this section shall be construed as



1 limiting the discretion of the judge to impose additional  
2 sanctions authorized in sentencing for a misdemeanor."

3 SECTION 2. Section 586-11, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) Whenever an order for protection is granted pursuant  
6 to this chapter, a respondent or person to be restrained who  
7 knowingly or intentionally violates the order for protection is  
8 guilty of a misdemeanor. A person convicted under this section  
9 shall [~~undergo domestic violence intervention~~] be ordered by the  
10 court for any assessment at any available domestic violence  
11 program [as ordered by the court.] and shall complete a domestic  
12 violence intervention course or anger management counseling as  
13 determined by the domestic violence program. The court  
14 additionally shall sentence a person convicted under this  
15 section as follows:

16 (1) For a first conviction for violation of the order for  
17 protection:

18 (A) That is in the nature of non-domestic abuse, the  
19 person may be sentenced to a jail sentence of  
20 forty-eight hours and be fined not more than  
21 \$150; provided that the court shall not sentence



1 a defendant to pay a fine unless the defendant is  
2 or will be able to pay the fine; or  
3 (B) That is in the nature of domestic abuse, the  
4 person shall be sentenced to a mandatory minimum  
5 jail sentence of not less than forty-eight hours  
6 and be fined not less than \$150 nor more than  
7 \$500; provided that the court shall not sentence  
8 a defendant to pay a fine unless the defendant is  
9 or will be able to pay the fine;  
10 (2) For a second conviction for violation of the order for  
11 protection:  
12 (A) That is in the nature of non-domestic abuse, and  
13 occurs after a first conviction for violation of  
14 the same order that was in the nature of  
15 non-domestic abuse, the person shall be sentenced  
16 to a mandatory minimum jail sentence of not less  
17 than forty-eight hours and be fined not more than  
18 \$250; provided that the court shall not sentence  
19 a defendant to pay a fine unless the defendant is  
20 or will be able to pay the fine;



- 1 (B) That is in the nature of domestic abuse, and  
2 occurs after a first conviction for violation of  
3 the same order that was in the nature of domestic  
4 abuse, the person shall be sentenced to a  
5 mandatory minimum jail sentence of not less than  
6 thirty days and be fined not less than \$250 nor  
7 more than \$1,000; provided that the court shall  
8 not sentence a defendant to pay a fine unless the  
9 defendant is or will be able to pay the fine;
- 10 (C) That is in the nature of non-domestic abuse, and  
11 occurs after a first conviction for violation of  
12 the same order that was in the nature of domestic  
13 abuse, the person shall be sentenced to a  
14 mandatory minimum jail sentence of not less than  
15 forty-eight hours and be fined not more than  
16 \$250; provided that the court shall not sentence  
17 a defendant to pay a fine unless the defendant is  
18 or will be able to pay the fine; or
- 19 (D) That is in the nature of domestic abuse, and  
20 occurs after a first conviction for violation of  
21 the same order that is in the nature of



1 non-domestic abuse, the person shall be sentenced  
2 to a mandatory minimum jail sentence of not less  
3 than forty-eight hours and be fined not more than  
4 \$150; provided that the court shall not sentence  
5 a defendant to pay a fine unless the defendant is  
6 or will be able to pay the fine; and

7 (3) For any subsequent violation that occurs after a  
8 second conviction for violation of the same order for  
9 protection, the person shall be sentenced to a  
10 mandatory minimum jail sentence of not less than  
11 thirty days and be fined not less than \$250 nor more  
12 than \$1,000; provided that the court shall not  
13 sentence a defendant to pay a fine unless the  
14 defendant is or will be able to pay the fine.

15 Upon conviction and sentencing of the defendant, the court  
16 shall order that the defendant immediately be incarcerated to  
17 serve the mandatory minimum sentence imposed; provided that the  
18 defendant may be admitted to bail pending appeal pursuant to  
19 chapter 804. The court may stay the imposition of the sentence  
20 if special circumstances exist.



1           The court may suspend any jail sentence under subparagraphs  
2 (1) (A) and (2) (C), upon condition that the defendant remain  
3 alcohol and drug-free, conviction-free, or complete court-  
4 ordered assessments or intervention. Nothing in this section  
5 shall be construed as limiting the discretion of the judge to  
6 impose additional sanctions authorized in sentencing for a  
7 misdemeanor offense. All remedies for the enforcement of  
8 judgments shall apply to this chapter."

9           SECTION 3. Section 586-13, Hawaii Revised Statutes, is  
10 amended to read as follows:

11           "~~§586-13~~ **Domestic violence intervention**; anger  
12 management counseling. Notwithstanding chapter 706 or any other  
13 law to the contrary, any sentence for domestic violence  
14 intervention or anger management counseling specified by section  
15 586-4 or section 586-11 shall be imposed by the court, with or  
16 without probation."

17           SECTION 4. Section 709-906, Hawaii Revised Statutes, is  
18 amended as follows:

19           1. By amending subsection (7) to read:

20           "(7) Whenever a court sentences a person or grants a  
21 motion for deferral pursuant to subsections (5) and (6), it



1 shall also [~~shall~~] require that the offender first complete,  
2 within a specified time frame, an assessment at any available  
3 domestic violence intervention programs, and then complete a  
4 domestic violence intervention course or anger management  
5 counseling as determined by the domestic violence program, and,  
6 if the offense involved the presence of or abuse of a minor, any  
7 available parenting classes ordered by the court. The court  
8 shall revoke the defendant's probation or set aside the  
9 defendant's deferred acceptance of guilty plea and enter an  
10 adjudication of guilt, if applicable, and sentence or resentence  
11 the defendant to the maximum term of incarceration if:

12 (a) The defendant fails to complete, within the specified  
13 time frame, any domestic violence intervention  
14 programs, anger management counseling, or parenting  
15 classes ordered by the court; or

16 (b) The defendant violates any other term or condition of  
17 the defendant's probation or deferral imposed by the  
18 court;

19 provided that, after a hearing on an order to show cause, the  
20 court finds that the defendant has failed to show good cause why  
21 the defendant has not timely completed the domestic violence



1 intervention programs, anger management counseling, or parenting  
2 classes, if applicable, or why the defendant violated any other  
3 term or condition of the defendant's sentence. However, the  
4 court may suspend any portion of a jail sentence, except for the  
5 mandatory sentences under subsection (5) (a) and (b), upon the  
6 condition that the defendant remain arrest-free and conviction-  
7 free or complete court-ordered intervention."

8 2. By amending subsection (17) to read:

9 "(17) When a person is ordered by the court to complete  
10 any domestic violence intervention programs, anger management  
11 counseling, or parenting classes, that person shall provide  
12 adequate proof of compliance with the court's order. The court  
13 shall order a subsequent hearing at which the person is required  
14 to make an appearance, on a date certain, to determine whether  
15 the person has completed the ordered domestic violence  
16 intervention programs, anger management counseling, or parenting  
17 classes. The court may waive the subsequent hearing and  
18 appearance where a court officer has established that the person  
19 has completed the intervention ordered by the court."



1 SECTION 5. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 6. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect on July 30, 3000;  
7 provided that the amendments made to section 709-906, Hawaii  
8 Revised Statutes, by section 3 of this Act shall not be repealed  
9 when that section is reenacted on June 30, 2026, pursuant to:

- 10 (1) Section 15 of Act 19, Session Laws of Hawaii 2020; and  
11 (2) Section 4 of Act 238, Session Laws of Hawaii 2021.



H.B. NO. 1344  
H.D. 1

**Report Title:**

Domestic Violence Intervention; Anger Management Counseling;  
Assessments; Criminal Penalties

**Description:**

Authorizes certain criminal offenders to be ordered by a court to undergo an assessment and then complete either anger management counseling or domestic violence intervention as part of their sentence. Effective 7/30/3000. (HD1)

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

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