

STAND. COM. REP. NO.

668

Honolulu, Hawaii

FEB 14 , 2025

RE: H.B. No. 383
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 383 entitled:

"A BILL FOR AN ACT RELATING TO ORDERS FOR PROTECTION,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Reinstate mandatory minimum jail sentences for successive violations of the same order for protection;
- (2) Remove the distinction between domestic and non-domestic violations of an order for protection; and
- (3) Eliminate the court's ability to suspend mandatory minimum sentences.

Your Committee received testimony in support of this measure from the Honolulu Police Department; County of Hawai'i, Office of the Prosecuting Attorney; Department of the Prosecuting Attorney for the City and County of Honolulu; Hawai'i State Coalition Against Domestic Violence; Domestic Violence Action Center; and two individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

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Your Committee finds that protective orders are essential tools in preventing further harm to individuals facing threats or violence. However, repeated violations of these orders demonstrate a pattern of disregard for the consequences of the violation and an escalation on behalf of the abusive partner, which highlights the need for stronger enforcement measures. Currently, inconsistencies in sentencing for violations of temporary restraining orders and protective orders undermine their effectiveness, allowing abusers to disregard court mandates with minimal consequences. This measure ensures that all court-issued protections carry the same level of accountability and reinforces the seriousness of protective orders, deterring future violations and providing victims with greater assurance of safety.

Your Committee has amended this measure by:

- (1) Clarifying that a conviction of a temporary restraining order issued under the same judicial case number as the order for protection shall be treated as a second or subsequent violation of an order for protection;
- (2) Reinstating statutory language that authorizes the court to suspend mandatory minimum sentences under certain conditions;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 383, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 383, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Homelessness,

Lisa Marten

LISA MARTEN, Chair



