

JAN 15 2025

A BILL FOR AN ACT

RELATING TO TEMPORARY RESTRAINING ORDERS.

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

SECTION 1. Section 586-4, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) When a temporary restraining order is granted and the respondent or person to be restrained knows of the order, a knowing or intentional violation of the restraining order is a misdemeanor. A person convicted under this section shall be ordered by the court to complete an assessment at any available domestic violence program and shall complete a domestic violence intervention or anger management course as determined by the domestic violence program. The court additionally shall sentence a person convicted under this section as follows:

(1) Except as provided in paragraph (2), for a first conviction for a violation of the temporary restraining order, the person shall serve a mandatory minimum jail sentence of ~~[forty-eight]~~ seventy-two hours, undergo mental health counseling, and be fined ~~[no]~~ not less than \$150 nor more than \$500;



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

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

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

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

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

(E) Section 707-720 relating to kidnapping;

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

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

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

(I) Section 707-732 relating to sexual assault in the third degree;



1 (J) Section 707-733.6 relating to continuous sexual
2 assault of a minor under the age of fourteen
3 years;

4 (K) Section 707-750 relating to promoting child abuse
5 in the first degree;

6 (L) Section 708-810 relating to burglary in the first
7 degree;

8 (M) Section 708-811 relating to burglary in the
9 second degree;

10 (N) Section 709-906 relating to abuse of family or
11 household members; or

12 (O) Section 711-1106.4 relating to aggravated
13 harassment by stalking;

14 and if any of these offenses has been committed
15 against a family or household member as defined in
16 section 586-1, the person shall serve a mandatory
17 minimum term of imprisonment of fifteen days and be
18 fined [~~not~~] not less than \$150 nor more than \$600; and

19 (3) For the second and any subsequent conviction for a
20 violation of the temporary restraining order, the
21 person shall serve a mandatory minimum jail sentence



1 of thirty days and be fined [~~æ~~] not less than \$250

2 nor more than \$1,000;

3 provided that the court shall not sentence a defendant to pay a
4 fine unless the defendant is or will be able to pay the fine.

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

11 The court may suspend any jail sentence, except for the
12 mandatory sentences under paragraphs (1), (2), and (3) upon
13 condition that the defendant remain alcohol- and drug-free,
14 conviction-free, or complete court-ordered assessments or
15 intervention. Nothing in this section shall be construed as
16 limiting the discretion of the judge to impose additional
17 sanctions authorized in sentencing for a misdemeanor."

18 SECTION 2. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be "P. J. ...", written over a horizontal line.

S.B. NO. 94

Report Title:

Temporary Restraining Order; Mandatory Jail Sentence; Increase;
Mental Health Counseling

Description:

Increases the mandatory minimum jail sentence for a first conviction of knowingly or intentionally violating a temporary restraining order from forty-eight to seventy-two hours.
Requires mandatory mental health counseling for a first conviction of knowingly or intentionally violating a temporary restraining order.

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

