

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

ON THE FOLLOWING MEASURE:

H.B. NO. 2067, H.D. 1, RELATING TO DOMESTIC VIOLENCE.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 10, 2020

TIME: 10:00 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Clare E. Connors, Attorney General, or
Landon M.M. Murata, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) appreciates the intent of this bill but has concerns.

The purpose of this bill is to establish a three-year pilot project to strengthen government responses to domestic violence and increase offender accountability by: (1) amending the offense of abuse of family or household members to provide for a lesser included petty misdemeanor offense; (2) allowing a deferred acceptance of guilty plea in cases involving misdemeanor abuse offenses and specifying that the deferral shall be set aside if the defendant fails to complete court ordered domestic violence intervention programs or parenting classes; and (3) requiring the Judiciary to submit annual reports to the Legislature on the number and outcome of abuse of family or household members cases.

The wording of subsection (6) being added to section 709-906, Hawaii Revised Statutes (HRS), in section 2, page 8, lines 3-7, does not create a lesser included petty misdemeanor abuse offense because the petty misdemeanor requires proof of a higher mental state (intentional or knowing) than the misdemeanor abuse (intentional, knowing, or reckless). Additionally, the wording does not seem to create a lesser included offense because there is no current authority to suggest that offensive touching is necessarily a subset of physical abuse given that the definition of physical abuse is bodily injury or pain. If it is the intent of the Legislature to create a petty misdemeanor

abuse without it being a lesser included offense of misdemeanor abuse then the words "lesser included" should be deleted from section 1, page 1, line 6.

If it is the intent of the Legislature that persons convicted of the petty misdemeanor abuse offense be sentenced pursuant to subsection (7), then the wording of section 2, page 8, line 9, should be changed to "subsections (5) and (6), it shall also require that the offender".

Section 853-4(a)(2)(B), section 3, page 13, lines 3 - 7, only applies to the misdemeanor abuse offense and not to the petty misdemeanor abuse offense set forth in subsection (6) being added to section 709-906. The exemption to subsection 853-4(a)(2)(B) in section 3, page 13, lines 8 - 10, need not reference the petty misdemeanor abuse, only the misdemeanor abuse. The Department recommends changing the exception to "provided that the prohibition in this paragraph shall not apply to misdemeanor offenses of abuse of family or household member."

If it is the intent of the Legislature to maintain the prohibition against deferrals in felony abuse of family or household member cases, then the Department recommends changing the wording of subsection 853-4(a)(13)(N), section 3, page 15, lines 17-19, to "(N) Any felony abuse of family or household member offense;"

Thank you for the opportunity to provide comments.



LATE

The Judiciary, State of Hawai'i

Testimony to the Senate Committee on Judiciary

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

Tuesday, March 10, 2020 at 10:00 a.m.
State Capitol, Conference Room 016

by

Christine E. Kuriyama
Senior Judge, Deputy Chief Judge
Family Court of the First Circuit

Bill No. and Title: House Bill No. 2067, H.D. 1, Relating to Domestic Violence.

Purpose: Amends the offense of abuse of family or household members to provide for a lesser included petty misdemeanor offense. Allows a deferred acceptance of guilty plea in cases involving misdemeanor and petty misdemeanor abuse offenses. Requires the judiciary to submit annual reports to the legislature on the number and outcome of abuse of family or household members cases. Sunsets pilot program 6/30/2023. Takes effect 12/31/2059. (HD1)

Judiciary's Position:

The Judiciary offers this testimony in strong support of this bill that allows greater flexibility in the sentencing options in HRS Section 709-906 while still emphasizing accountability of the defendant, safety of the victims, and increasing protection for the children in families wracked by domestic violence. To implement these sentencing changes, we want to reassure the Legislature that the Judiciary will not require additional resources.

Notwithstanding its strong support of the other provisions of the bill as listed above, the Judiciary does have some concern with the "reporting requirements" set forth in section four of the bill. It may be more efficient as well as prudent to either: (1) have an executive agency collect the information and provide the required information to the Legislature, or (2) require that this information be provided directly to the Legislature from law enforcement, the Department of the Prosecuting Attorney, and the Judiciary. It should be noted that the Judiciary has no objections to maintaining and keeping statistical information concerning the cases that are filed with the court as it already has the capability to do so. However, with regard to gathering



House Bill No. 2067, H.D.1, Relating to Domestic Violence
Senate Committee on Judiciary
Tuesday, March 10, 2020 at 10:00 a.m.
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information from other entities such as law enforcement and the Department of the Prosecuting Attorney, the Judiciary does not have the process and personnel to do so.

We respectfully recommend adoption of the amendment found in the companion bill, Senate Bill No. 2638, S.D. 2, which took our testimony into consideration and requires a report from the Judiciary that only includes Judiciary data.

To wit:

SECTION 4. No later than forty days prior to the convening of the regular sessions of 2021, 2022, 2023, 2024, and 2025 the judiciary shall submit a report to the legislature that includes, for cases filed with the judiciary involving offenses under section 709-906, Hawaii Revised Statutes, the outcome of each case, including the number of cases dismissed, by category; the number found not guilty; the number found guilty; and other outcomes, by category; provided that, in addition, in cases in which an offender was required to complete a domestic violence intervention program or parenting classes, the report shall include the number of cases in which the program was completed or not completed and the consequences for failure to complete the program, by category.

Thank you for the opportunity to provide testimony on this matter.

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on Judiciary

March 10, 2020

H.B. No. 2067, HD1: RELATING TO DOMESTIC VIOLENCE

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Office of the Public Defender supports the intent of H.B. No. 2067, HD1 and the creation of a three-year pilot project, which will help collect accurate data and statistics that can help the courts process abuse of family or household member (“abuse”) cases more efficiently and effectively.

We strongly support the inclusion of the option for a Deferred Acceptance of a Guilty Plea for a defendant who meets the criteria. This provision will have a positive impact on the processing of domestic violence cases in the State of Hawai‘i. We have long held the position that most first offenders who are charged with abuse or domestic violence offenses are willing and able to participate in domestic violence education classes, and that they deserve the opportunity to demonstrate that they have learned how to better manage stress, anger and cope with negative emotions that may result in violence. The majority of our clients successfully complete their classes and never return to the Family Court; they have learned, they have matured, and they have developed healthier coping skills that last a lifetime.

We are, however, concerned that the deferral option is made available *only* to defendants who plead *guilty*. The deferral option should also be available for those who plead *no contest*. The dynamics of Family Court cases often focus not just on what may or may not have happened on a particular date but also on the long-term stability or instability of a relationship or family. Many defendants grew up in households where violence was a regular part of life and never learned how to be in a relationship without violence. Education is important to help defendants understand and learn about healthy coping skills and communication. By allowing a deferral for a no contest plea, defendants can avail themselves of the Domestic Violence Interventions classes, gain some knowledge and perspective, and move forward with a healthier outlook on stress management. There are times when a defendant does not fully understand the seriousness of his or her actions until *after* they have completed the education programs -- including parenting classes.

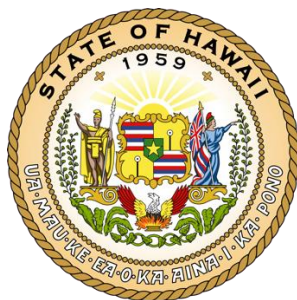
If a defendant insists on pleading no contest to opt out of having a trial and is inclined to resolve a case by pleading no contest *and* willing to attend the classes -- then we believe the deferral option should also be available for this defendant. We have seen cases where a defendant will choose not to pursue a valid legal defense because they do not want their family member to be forced to testify. This often occurs in cases involving parents and children. A parent may be stuck between choosing to go to trial to defend themselves against a false allegation of Abuse on their child and the risk of stressing or traumatizing that child by having that child testify in court. We have seen many juries

find parents not guilty in cases where they agreed that the parent disciplined a child appropriately. In these cases, we believe the no contest option was appropriate -- especially when a defendant is willing to participate in classes and abide by any rules or conditions set by the Family Court as a condition of a deferral. If the goals are truly to reduce the trial backlog and to require mandatory education to prevent future violence, allowing a deferral for a no contest plea would accomplish such goals.

In regard to the creation of a petty misdemeanor offense, we do not see the need, as the current harassment statute is sufficient. However, if a petty misdemeanor is established, we have concerns about the definition proposed in Section 6 of this measure. The proposed language is too broad. This definition tracks the language in the petty misdemeanor statute for Harassment under HRS 711-1106 and removes the qualifying language -- "**Strikes, shoves, kicks, or otherwise touches another person in an offensive manner or subjects the other person to offensive physical contact**" -- to create a watered down version that is so broad as to include persons (adults and children / siblings / roommates / married couples) who knowingly touch each other "offensively". We are very concerned that this proposed definition will not solve the court congestion problem that it intends to reduce. We believe this language and this broadened definition will increase the number of cases being processed by the Family Courts. We are also concerned that because of mandatory reporting requirements for abuse of children, we will see a flood of petty misdemeanor cases not just in our family courts but in our juvenile courts for an offense based on subjective "offensive" contact. Without the clarifying language, "strikes, shoves, kicks or otherwise touches another person in an offense manner," this proposed definition will criminalize normal conduct between siblings or household members, especially children.

We also have concerns about the language in Section 7 [page 8, line 14] that states the court "**shall revoke ... and resentence the defendant to the maximum term of incarceration**" for failure to complete classes or for violating any other term or condition of probation for deferral. This language is unnecessary. The Family Courts already have the ability to look at a defendant's performance on probation or deferral supervision. There is also an effective mechanism for the processing of revocation requests and resentencing for non-compliance. The proposed language is unnecessarily restrictive as it provides the Family Court with only two options -- probation or the maximum jail sentence. The Family Court should be able to review all the pertinent facts and circumstances to determine whether a defendant should suffer the maximum penalty or whether an alternative sentence is appropriate based on the defendant's history and status. The Family Court should have discretion to determine appropriate penalties on an individual basis. We are particularly concerned that Section 7(b) would also mandate the maximum term of imprisonment for a violation of **any** term of probation or deferral. Any violation could include being late for an appointment because the bus was delayed or missing an appointment due to illness. We submit that the language from page 8, line 14 through page 9, line 9 is unnecessary for the administration of justice.

Thank you for the opportunity to comment on this measure.



LATE

‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

Testimony on behalf of the
Hawai‘i State Commission on the Status of Women
Khara Jabola-Carolus, Executive Director

Prepared for the Senate Committee on JDC

In Support of HB2067 HD1

Tuesday, March 10, 2020, 1:00 a.m. in Room 016

Dear Chair Rhoads, Vice Chairs Keohokalole, and Honorable Members,

The Hawai‘i State Commission on the Status of Women supports HB2067 HD1, which would amend the offense of abuse of family or household members to provide for misdemeanor and petty misdemeanor penalties. HB2067 HD1 would also allow for a deferred acceptance of guilty or no contest plea in cases involving misdemeanor and petty misdemeanor abuse penalties. The measure would also require the Judiciary to submit annual reports to the Legislature on the number and outcome of abuse of family or household members case.

The Commission is cognizant that varied approaches to intervention are needed for intimate partner violence. Given the continued enormity of the problem, it is clear that a crime control approach to eradicating intimate partner violence has failed. A community-based approach is needed, as compared to an individualized response from the criminal justice system. The state should encourage intervention programming to prevent further violence and alleviate the court system. Imprisonment does not decrease the rate of re-offense.

The dynamics of intimate partner violence are complex. The Commission supports the mandatory completion of a ‘domestic violence intervention’ that is in conjunction with, rather than supplanting, anger management, substance abuse and parenting coursework. The Commission further supports previous community partners’ call for a 5-year pilot framework and data collection to guide policy and prevention efforts. A successful domestic violence prevention program would be evidence-based, curriculum-based, provide an instruction manual with

treatment standards, and include a minimum of 80-hours of group time. Accordingly, the Commissions supports HB2067 HD1.

Sincerely,

Khara Jabola-Carolus

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

DWIGHT K. NADAMOTO
ACTING PROSECUTING ATTORNEY

LYNN B.K. COSTALES
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY



THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2020
State of Hawai'i

March 10, 2020

RE: H.B. 2067, H.D. 1; RELATING TO DOMESTIC VIOLENCE.

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in support of the intent of H.B. 2067, H.D. 1.

The Department strongly agrees that significant changes are needed to our Family Court system, in order to seek justice on behalf of Hawaii's victims of domestic violence, protect public safety, and decrease the number of case dismissals that are occurring in the First Circuit. To further this goal, the Department has previously submitted legislative bills that would increase the number of judges and courtrooms available for domestic violence jury trials [S.B. 2949 (2012); HB 2351 (2012)], and supported similar bills that were later introduced by the Judiciary; unfortunately, none of those bills resulted in more domestic violence jury trial courtrooms or judges. Last year, the Department submitted a bill that would have excluded trial delays attributed to "court congestion," from the limited time that the State is permitted to bring a case to trial [S.B. 2175 (2018), S.B. 181 (2019); H.B. 1772 (2018), H.B. 509 (2019)].

We appreciate the effort H.B. 2067, H.D. 1 makes to address "non-physical" Harassment (§711-1106, Hawaii Revised Statutes (H.R.S.)) against a family or household member, as the "domestic violence continuum" often begins with various forms of non-physical degradation, intimidation and control. However, we note that many other types of behavior can also be part of this continuum (when committed against a family or household member), such as terroristic threatening, unlawful imprisonment, criminal property damage, theft, robbery, arson, and other offenses found in H.R.S. Chapters 707 and 708. If it is the Legislature's intent to acknowledge this type of behavior as part of the domestic violence continuum, these offenses should also be addressed.

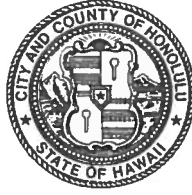
While the Department is generally supportive of creating a petty misdemeanor offense for the charge of Abuse of a Family or Household Member (§709-906, H.R.S.), we would note that this change is unlikely to address the First Circuit's ongoing challenges with court congestion and case dismissals. However, such change may improve public awareness and bring to the forefront the dynamics of domestic violence. **In addition, to address the concerns raised by the Attorney General's Office, the Department would suggest amending pg. 1, line 6 by removing "lesser included" as the new petty misdemeanor offense would not be a lesser included offense but rather a stand alone petty misdemeanor offense.**

Lastly, the Department would like to caution and bring to the attention of the committee that in allowing a deferral of guilty, defendants who would otherwise be ineligible, wouldn't be precluded from owning a firearm following the deferral period. **The Department would also note that this committee should specifically clarify that a defendant is not eligible for a deferral of nolo contendere plea to comport with the contemplated amendments in the House standing committee report no. 156-20.**

Based on the foregoing, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the intent of H.B. 2067, H.D. 1. Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE WO-KK

March 10, 2020

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 2067, H.D. 1, Relating to Domestic Violence

I am Walter Ozeki, Major of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes House Bill No. 2067, H.D. 1, Relating to Domestic Violence.

The HPD has historically supported a review and reorganization of the Hawaii Revised Statutes (HRS), Section 709-906, Abuse of family or household members; penalty, to include the creation of a petty misdemeanor domestic violence offense to achieve consistency with the rest of the HRS. However, our concern is specific to the allowance of a deferred acceptance of guilt or no contest plea to a misdemeanor or petty misdemeanor domestic violence offense.

Over the years, a number of felony domestic violence laws were enacted to address what were considered the more serious domestic violence offenses. In practice, the downgrading of felony domestic violence offenses to misdemeanor or petty misdemeanor offenses already occurs in the vast majority of domestic violence cases, even when the violation might meet the letter of the law. To further allow for a deferred acceptance of guilt or no contest plea for misdemeanor or petty misdemeanor offenses,


The Honorable Karl Rhoads, Chair
and Members
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which are the vast majority, would virtually eliminate any accountability for many of these offenders. This would further diminish the value of felony domestic violence laws and would remove any prohibitions attached to a domestic violence conviction; prohibitions which were enacted specifically to mitigate any further or more serious harm from occurring.

The HPD urges you to oppose House Bill No. 2067, H.D. 1, Relating to Domestic Violence.

Thank you for the opportunity to testify.

Sincerely,


for. Walter Ozeki, Major
Criminal Investigation Division

APPROVED:



Susan Ballard
Chief of Police

Justin F. Kollar
Prosecuting Attorney



Rebecca Vogt Like
Second Deputy

Jennifer S. Winn
First Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

3990 Ka'ana Street, Suite 210, Līhu'e, Hawai'i 96766
808-241-1888 ~ FAX 808-241-1758
Victim/Witness Program 808-241-1898 or 800-668-5734

**THE HONORABLE KARL RHOADS, CHAIR
THE HONORABLE JARRETT KEOHOKALO, VICE CHAIR
HOUSE COMMITTEE ON JUDICIARY
Thirtieth State Legislature
Regular Session of 2020
State of Hawai'i**

February 11, 2020

RE: H.B. 2067, H.D. 1; RELATING TO DOMESTIC VIOLENCE.

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, the Office of the Prosecuting Attorney of the County of Kaua'i submits the following testimony in support of H.B. 2067, H.D. 1.

The purpose of H.B. 2067 is to provide for a lesser-included petty misdemeanor family abuse offense, to reduce court congestion by providing for the deferred acceptance of a guilty or no contest plea in cases prosecuted under H.R.S. Section 709-906, and to require data collection, reporting, and analysis in domestic violence cases.

Our Office has advocated for years for necessary reforms to Hawai'i's domestic violence laws. These amendments will provide prosecutors, defense attorneys, and judges with the tools they need to move these cases effectively and efficiently through the judicial process and lead to better outcomes for victims who currently find themselves mired in lengthy and unwieldy prosecutions. This Bill will reduce continuances, decrease court congestion in the circuit courts, and provide for quicker case resolutions.

For these reasons, the Office of the Prosecuting Attorney supports the passage of H.B. 2067, H.D. 1. Thank you for this opportunity to testify.

HB-2067-HD-1

Submitted on: 3/6/2020 7:19:07 AM

Testimony for JDC on 3/10/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Testifying for AAUW of Hawaii	Support	No

Comments:



To: Chair Rhoads
Vice Chair Keohokalole
Members of the Committee
Fr: Nanci Kreidman, MA,
CEO, Domestic Violence Action Center
Re: HB 2067 HD1; Support

Aloha. This is an auspicious day for the Bill to be heard; as the New York Times best-selling author (No Visible Bruises), Rachel Louise Snyder is in Honolulu, helping Hawaii examine its response to the complex, costly and grave problem of domestic violence. Thus, we are unable to be present for this hearing.

Thank you for placing this Bill on your agenda for consideration. We offer testimony to support this initiative which represents a potentially positive change that would impact many, many survivors and island families. The system has not been functioning as effectively as it might these last few years. This Bill creates an opportunity for a shift that is worth considering.

It is a last resort for survivors to seek assistance from outside their community. From strangers. From the criminal or civil justice system. When they do, it must work to protect them, hold perpetrators accountable and pave the way for remedy as they navigate a path to freedom and self-sufficiency.

DOMESTIC VIOLENCE ACTION CENTER
ADDRESS: P.O. BOX 3198, HONOLULU, HI 96801-3198
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TOLL-FREE NEIGHBOR ISLAND HELPLINE: (800) 690-6200
WEBSITE: WWW.DOMESTICVIOLENCEACTIONCENTER.ORG
EMAIL: DVAC@STOPTHEVIOLENCE.ORG



The current law was the best work and an innovation when it was first devised and passed. It was a collaborative undertaking. Its enforcement has been uneven. It is our great hope that the Bill before you today represents an improvement and an opportunity for system reform that is desperately needed.

Too few perpetrators of relationship violence get arrested. But those that do often do not result in convictions in court. Sanctions are few. And plea bargains have historically delivered a lukewarm message that family and relationship violence is not tolerated or acceptable.

HB 2067 HD1 will advance safety, accountability and hope.

The amendments to the existing statute create options for law enforcement and system intervention. Three degrees of the offense provides latitude for officers, courts, attorneys and judges to respond in a way that offers protection, and direction for personal responsibility. Interventions are not sought unless there is criminal justice involvement; abusers do not wake up the morning after an assault, look at their partners bruises and say, "my god, I need help." Unfortunately.

We support the standardization and inclusion of Proof of Compliance hearings for defendants ordered to participate in sanctioned batterer's intervention programs. This is a key part of oversight and accountability.



We suggest that Courts make orders for participation in intervention programs that meet the Hawaii Batterer Intervention Program Standards. Not all programs are appropriate or responsive to the dynamics and potential lethality present by abusers. For example, online courses would not meet such standards.

We would also like the Committee to consider that the language related to accepting a DAG if one has not been entered previously be strengthened. Such a plea will not be accepted – ever - if there is one on the record. At one court hearing where I was present, a judge indicated that a second DAG was allowable (even though the language says it is not acceptable) because the first one was so many years ago; our perspective on that is there must be a long history of abuse, if an incident occurred many years ago and has occurred again; perhaps the perpetrator had not been caught?

A final thought about the data to be collected. It is a very important step for us to compile data about the crimes committed and the ways the cases are adjudicated and resolved. If the only cases captured are 709-906, what about all the crimes related to the family or partnership like property damage, stalking, sexual assault, trespassing, etc. We are unable to fully understand the scope of the problem without data that accurately reflects the incidence and prevalence of the problem. The only piece of data that would be needed to determine if the crime



involved family members of partners is their relationship to one another. A checkbox. If not, we miss all the other crimes.

Thank you. We shall look forward to favorable action and more discussion about this Bill.

DOMESTIC VIOLENCE ACTION CENTER

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March 6, 2020

Members of the Senate Committee on Judiciary:

Chair Sen. Karl Rhoads
Vice Chair Sen. Jarrett Keohokalole
Sen. Kurt Fevella
Sen. Mike Gabbard
Sen. Donna Mercado Kim

Re: HB2067 HD1 Relating to Domestic Violence.

Dear Chair Rhoads, Vice Chair Keohokalole and Members of the Senate Committee on Judiciary:

The Hawaii State Coalition Against Domestic Violence (HSCADV) engages communities and organizations to end domestic violence through education, advocacy, and action for social justice. HSCADV is a private, not-for-profit organization and is a statewide partnership of domestic violence programs and shelters.

On behalf of the Hawaii State Coalition Against Domestic Violence (HSCADV) and our 23 member programs statewide, I respectfully submit this testimony in support of HB2067 HD1 which would amend the offense of abuse of family or household members to provide for misdemeanor and petty misdemeanor penalties, allows a deferred acceptance of guilty or no contest plea in cases involving misdemeanor and petty misdemeanor abuse penalties and requires a pilot program.

We have heard from programs and survivors across the state that another level of intervention is needed for intimate partner violence. With a petty misdemeanor level of crime, it is the hope that we can get offenders into quality intervention programming early and prevent further violence, which is what this bill seeks to accomplish. The shortened timeframe for this project will help us determine the efficacy and hopefully reduce harm to victims.

HSCADV supports the mandatory completion of domestic violence intervention, and the program which calls itself "domestic violence intervention" would need to be: evidence-based, curriculum-based, have an instruction manual, and be a minimum of 80 hours of group time. Additionally, programs would need to be highly structured and have protocols for victim safety, supervision of group leaders and high degree of accountability. Therefore, **we recommend that on page 8 lines 10-11 instead of "any available domestic violence intervention programs..." it instead should read "evidence-based" or define in more detail "domestic violence intervention program" directly in statute.**

We are also concerned with the language relating to the deferred acceptance of guilty plea included on page 12, lines 3-7 of this bill. We're concerned it sends the wrong message to



offenders that their convictions can be easily eliminated by attending batterers intervention programs. Furthermore, Chapter 853 allows for expungement of records after one year of successful completion of court-imposed conditions. **By allowing the offender to expunge their records after one year, the courts, agencies and survivors may not be able to access critical information about prior bad acts which is important in risk assessments.**

Thank you for the opportunity to submit testimony on this important matter.

Sincerely,

Angelina Mercado

Executive Director, Hawaii State Coalition Against Domestic Violence

HB-2067-HD-1

Submitted on: 3/6/2020 8:11:18 AM

Testimony for JDC on 3/10/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Isaacson	Individual	Oppose	No

Comments:

This bill permits abrogation of a basic civil right without due process and will not stand constitutional muster. Why create legal trouble for the state?

HB-2067-HD-1

Submitted on: 3/6/2020 5:28:52 AM

Testimony for JDC on 3/10/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

HB-2067-HD-1

Submitted on: 3/8/2020 8:23:59 AM

Testimony for JDC on 3/10/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joe P. Moss	Individual	Support	No

Comments:

I support this bill because it gives flexibility in addressing the very serious problem of domestic abuse

HB-2067-HD-1

Submitted on: 3/8/2020 11:57:11 PM

Testimony for JDC on 3/10/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cyd L. Hoffeld	Individual	Support	No

Comments:

I strongly support HB2067 HD1.

LATE

HB-2067-HD-1

Submitted on: 3/9/2020 11:39:28 AM

Testimony for JDC on 3/10/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Testifying for Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

LATE

HB-2067-HD-1

Submitted on: 3/9/2020 11:42:21 AM

Testimony for JDC on 3/10/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Testifying for Hawaii Women's Coalition	Support	No

Comments:

LATE

HB-2067-HD-1

Submitted on: 3/9/2020 12:32:19 PM

Testimony for JDC on 3/10/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

LATE

HB-2067-HD-1

Submitted on: 3/9/2020 4:46:14 PM

Testimony for JDC on 3/10/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Marten	Individual	Support	No

Comments: