



*The Judiciary, State of Hawai'i*

**Testimony to the House Committee on Judiciary**

Representative Chris Lee, Chair

Representative Joy A. San Buenaventura, Vice Chair

Tuesday, February 11, 2020, at 2:00 p.m.

State Capitol, Conference Room 325

by

Christine E. Kuriyama

Senior Judge, Deputy Chief Judge

Family Court of the First Circuit

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**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 misdemeanor and petty misdemeanor penalties. Allows a deferred acceptance of guilty or no contest plea in misdemeanor and petty misdemeanor abuse penalties. Requires the Judiciary to submit annual reports to the Legislature on the number and outcome of abuse of family or household members' cases. Sunsets five years after enactment.

**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.

The Judiciary also wishes to reassure the Legislature that, if passed, this bill will not require additional judicial resources to implement.

The Judiciary reiterates its strong support of this effort to provide more timely process to defendants without sacrificing community safety.

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 House Committee on Judiciary**

February 10, 2020

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

Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

The Office of the Public Defender respectfully supports in part and opposes in part H.B. No. 2067, HD1.

We support the creation of a three-year pilot project. This project will help collect accurate data and statistics that can help the courts process 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 how to cope with negative emotions that may result in violence. Many of our clients successfully complete their classes and never return to the Family Court because they have learned, they have matured, and they have developed healthier coping skills that last a lifetime.

We are, however, are concerned that the deferral option is made available *only* to defendants who plead Guilty. We would ask that the deferral option 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 copings skills and communication. We believe that by allowing a deferral for a No Contest plea, defendants can avail themselves of the Domestic Violence Interventions classes, gain 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 be available for this defendant. We have seen cases where defendants 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 (either minor children or adult children). In these cases, we believe the No Contest option is

appropriate -- especially when a defendant is willing to take the classes and abide by any rules or conditions set by the Court as a condition of a deferral. If the goals are to reduce the trial backlog together with education classes to prevent future violence, then also allowing a deferral for a No Contest plea would accomplish those goals.

We have serious concerns about the language in Section 7 [page 8, lines 9-13] that states that a defendant ***“shall require that the offender complete within a specified time frame any available domestic violence intervention programs.”*** On Oahu, there are currently only two contracted providers of Domestic Violence Intervention classes through the court system. These classes are between 26 to 29 sessions and cost approximately \$350. A participant must complete all classes to earn a certificate of completion; however, a maximum of 4 absences are allowed and make up classes may be available. Unfortunately, participants who are seriously ill, or who are homeless and struggling with daily living, or who have transportation issues relating to their reliance on public transportation (or the lack of public transportation) may struggle to keep up with their schedule. A participant who misses 4 classes because of illness or other extenuating circumstances is required to start the classes from the beginning -- a new 26-to-29 week session at additional cost. With the creation of a petty misdemeanor offense, the length of the current programs may not be appropriate. Participants should be able to complete their classes within the standard 6 months of probation for petty misdemeanor offenses. Ideally, a participant will begin and complete their classes as scheduled. We do not want the required classes to be set up as a means to guarantee failure and the loss of a deferral because it is simply not possible to complete the classes within the required probationary time frame, especially in light of the all or nothing language currently in this measure as to completion of the classes [see page 8, lines 14-20]. This may be particularly difficult for our Neighbor Island clients who may have fewer and more restricted opportunities to take and complete these classes in a tight time-frame -- especially on the Islands of Molokai and Lanai. It is our understanding that the Legislature is aware that changes and adjustments may need to be made for appropriate and available classes as to any petty misdemeanor offense through the Judiciary.

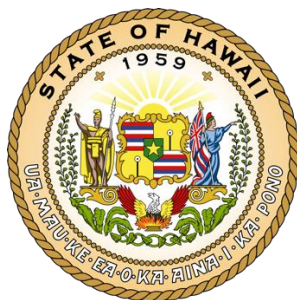
We strongly oppose subsection (b) of section (7) [see page 9, lines 1-9] and recommend that this section be amended. We submit that this catch-all provision is overbroad. It can be interpreted to read that if you fail to comply with one single condition on deferral (apart from completing the classes) – miss one single appointment or miss one single class or miss one single payment – then you ***“shall”*** receive the maximum sentence and have your deferral set aside. We believe this section is unnecessary to accomplish the goals set out in the body of the legislation and removes any kind of discretion from the Court. Failure to miss one appointment because the bus was late or broke down or because a child is ill and needs to go to the doctor should not be considered a legitimate reason to get the maximum sentence.

Page 9, lines 4-9 are confusing and unnecessary if the language on Page 8, line 14 is amended from ***“shall”*** to ***“may.”*** Many defendants are barely able to pay rent, keep food on the table for their families, and may need additional time or flexibility in meeting every single one of their obligations - especially when they are making a good faith effort to comply. Judges have the discretion to review the personal circumstances of defendants who are trying to meet their obligations. We find it very troubling that the Courts are not given any kind of discretion on an appropriate sentence when good cause has not been shown to fashion a sentence other than the maximum sentence. The Courts need the flexibility to look at all the relevant circumstances while

encouraging a defendant to attend classes and meet other obligations. No every defendant or every case should be treated exactly the same in every circumstance.

We support the creation of a petty misdemeanor Abuse offense; however, we strongly oppose the language in subsection (6). It is our position that this definition is simply too broad, and even the slightest offensive touch between siblings, parents and their adult children, roommates, or spouses would qualify as a crime under this measure. "Offensiveness" is so subjective and so dependent on the sensitivities of individual persons that it would be virtually impossible to anticipate all the types of "touching" that could be "offensive." For example, under this definition, it would be a crime for one sibling to pinch another sibling, or for one sibling to push another sibling, or for one sibling to use a finger to poke another sibling. The removal of the clarifying language used in HRS 711-1106 for the offense of Harassment renders this statute so broad as to criminalize even the most innocuous of behavior. The Harassment statute requires the "intent to harass, annoy, or alarm" and includes "strikes, shoves, kicks, or otherwise touches another person in an offensive manner or subjects the other person to offensive physical contact" and this language provides context and boundaries that have been well litigated and established. We strongly oppose the current proposed petty misdemeanor offense; however, we are willing to continue to work on a more appropriate definition with additional discussion and review among the interested parties.

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 House Committee on JUD

In Support of HB2067 HD1  
Tuesday, February 11, 2020, 2:00 p.m. in Room 325

Dear Chair Lee, Vice Chairs San Buenaventura, 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 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.

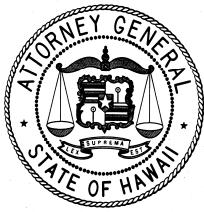
The Commission is cognizant that varied approaches to intervention are needed for intimate partner violence. Given the continued enormity of the problem, it is clear that a crime control approach to eradicating intimate partner violence has failed. A community-based approach is needed, as compared to 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



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

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**LATE**

**ON THE FOLLOWING MEASURE:**

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

**BEFORE THE:**

HOUSE COMMITTEE ON JUDICIARY

**DATE:** Tuesday, February 11, 2020      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325

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

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Chair Lee 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 section 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.



**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**

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Victim/Witness Program 808-241-1898 or 800-668-5734

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**THE HONORABLE CHRIS LEE, CHAIR  
THE HONORABLE JOY A. SAN BUENAVENTURA, VICE CHAIR  
HOUSE COMMITTEE ON JUDICIARY  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawai'i**

February 11, 2020

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

Chair Lee, Vice Chair San Buenaventura, and members of the House 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.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
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DWIGHT K. NADAMOTO  
ACTING PROSECUTING ATTORNEY



LYNN B.K. COSTALES  
ACTING FIRST DEPUTY  
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**LATE**

**THE HONORABLE CHRIS LEE, 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 Lee, Vice Chair San Buenaventura, and members of the House 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

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KIRK CALDWELL  
MAYOR

SUSAN BALLARD  
CHIEF

JOHN D. MCCARTHY  
CLYDE K. HO  
DEPUTY CHIEFS

OUR REFERENCE

WO-KK

February 11, 2020

The Honorable Chris Lee, Chair  
and Members  
Committee on Judiciary  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

**LATE**

Dear Chair Lee 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, 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,

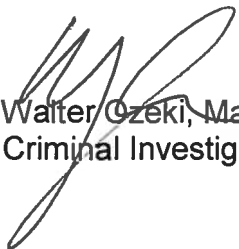
The Honorable Chris Lee, Chair  
and Members  
February 11, 2020  
Page 2

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,



Walter Ozeki, Major  
Criminal Investigation Division

APPROVED:



Susan Ballard  
Susan Ballard  
Chief of Police



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

Aloha. And 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.

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 or 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.



**HB-2067-HD-1**

Submitted on: 2/10/2020 2:18:31 PM

Testimony for JUD on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Younghi Overly	aaup of hawaii	Support	No

Comments:



February 10, 2020

Members of the House Committee on Judiciary:

Chair Rep. Chris Lee  
Vice Chair Rep. Joy A. San Buenaventura  
Rep. Tom Brower  
Rep. Richard P. Creagan  
Rep. Nicole E. Lowen  
Rep. Angus L.K. McKelvey  
Rep. Mark M. Nakashima  
Rep. Amy A. Perruso  
Rep. Calvin K.Y. Say  
Rep. Gregg Takayama  
Rep. Ryan I. Yamane  
Rep. Cynthia Thielen

Re: HB2067 HD1 Relating to Domestic Violence.

Dear Chair Lee, Vice San Buenaventura and Members of the House 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.

Thank you for reducing the time of the pilot project from five years to three years. 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.

In prior testimony, we have expressed our concern that the mandatory completion of domestic violence intervention, should NOT be substituted for other course material: including anger management, substance abuse treatment, mental health treatment, or parenting classes. We are disappointed that the current draft of this bill continues to include the use of parenting classes. Parenting classes are not an evidenced-based intervention for domestic violence. Nor are they regulated by Hawaii statute for this circumstance.

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.

Thank you for the opportunity to testify on this important matter.

Sincerely,

Angelina Mercado

Executive Director, Hawaii State Coalition Against Domestic Violence

**HB-2067-HD-1**

Submitted on: 2/10/2020 3:03:27 PM

Testimony for JUD on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
MARSHA H BOLSON	Individual	Support	No

Comments:

I support HB2067 HD1 specifically due to the expanded options for enforcement and intervention, including a lesser included petty misdemeanor and a deferred acceptance of guilty plea. I also support the requirement for the Judiciary to submit annual reports to the Legislature on the number and outcome of abuse of family or household member cases. The scope and impact of violence in Hawaii families is broad and horrifying, and the more data that can be collected and shared, the better government and social services organizations can work together to help adult and child victims on their long journey to being survivors.

Thank you for your efforts to advance this valuable legislation.

Marsha H. Bolson

**HB-2067-HD-1**

Submitted on: 2/10/2020 6:14:51 PM

Testimony for JUD on 2/11/2020 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kara england	Individual	Support	No

Comments:

Thank you for your support on this bill

Kara England

volunteer for dvac