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## A BILL FOR AN ACT

RELATING TO ABUSE OF A FAMILY OR HOUSEHOLD MEMBER.

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

1           SECTION 1. Section 709-906, Hawaii Revised Statutes, is  
2 amended by amending subsection (5) to read as follows:

3           "(5) Abuse of a family or household member and refusal to  
4 comply with the lawful order of a police officer under  
5 subsection (4) are misdemeanors and the person shall be  
6 sentenced as follows:

7           (a) For the first offense, the person shall be fined not  
8           less than \$500;

9           ~~[(a)]~~ (b) For the ~~[first]~~ second offense, the person shall  
10           serve a minimum jail sentence of forty-eight hours;  
11           and

12           ~~[(b)]~~ (c) For a ~~[second]~~ third offense that occurs within  
13           one year of the first conviction, the person shall be  
14           termed a "repeat offender" and serve a minimum jail  
15           sentence of thirty days.

16           Upon conviction and sentencing of the defendant, the court shall  
17           order that the defendant immediately be incarcerated to serve  
18           the mandatory minimum sentence imposed; provided that the



1 defendant may be admitted to bail pending appeal pursuant to  
2 chapter 804. The court may stay the imposition of the sentence  
3 if special circumstances exist."

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

7 SECTION 3. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10

INTRODUCED BY:



JAN 19 2007



**Report Title:**

Domestic Abuse; Penalties

**Description:**

Makes the first offense of abuse of a family or household member punishable by a fine of not less than \$500.

