Honolulu, Hawaii

FC 514, 2008

RE: H.B. No. 3379 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Human Services & Housing, to which was referred H.B. No. 3379 entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose of this bill is to more effectively address domestic violence by establishing several degrees of offenses of "abuse of a family or household member" and making other clarifying and conforming changes to Hawaii's domestic violence law.

The Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Prosecuting Attorney for the County of Hawaii, Department of the Prosecuting Attorney for the County of Maui (Maui Prosecutor's Office), Maui County Police Department, Hawaii Police Department, Hawaii State Coalition Against Domestic Violence, VOICES, and a concerned individual testified in support of this bill. The Honolulu Police Department supported this measure with amendments.

Your Committee engaged in discussion with testifiers on the reasons behind establishing abuse of a family or household member in the third degree as a petty misdemeanor. Testifiers stated that these types of offenses may arise from incidents not involving blood or serious physical injury, yet it is important to address these offenses to prevent future episodes of domestic violence. Although a petty misdemeanor is a lesser charge than a

misdemeanor, testifiers explained that these cases are generally much more expeditious because they involve bench trials, as opposed to jury trials which can take months. Any time saved in resolving these issues may help prevent future abuse. Additionally, a testifier from a neighbor island explained that in some counties, there is only one courtroom, which sometimes results in cases being settled for lesser charges because of an overload of cases requiring the courtroom.

Your Committee has amended this bill by:

- (1) Clarifying that the law enforcement officer must approve a request to transport a family or household member to a hospital or shelter; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3379, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3379, H.D. 1, and be referred to the Committee on Judiciary.

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

MAILE SHIMABUKURO, Chair

HB3379 HD1 HSCR HSH HMS 2008-1935

State of Hawaii House of Representatives The Twenty-fourth Legislature

HSCR 413-08

Record of Votes of the Committee on Human Services & Housing

Bill/Resolution No.: HB 3379	Committee H	Referral: SH, JUD		Date: 2/7/0	8
☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)					
HSH Members		Ayes	Ayes (WR)	Nays	Excused
1. SHIMABUKURO, Maile S. L. (C)	Χ			
	Sec. 2				
2. RHOADS, Karl (VC)		X			A 100 May 1 A 10 May 12
3. AWANA, Karen Leinani		X			
J. H. W. H.					
4. BELATTI, Della Au		X			
5. BERTRAM, Joe, III		X			
6. CABANILLA, Rida T.R.		X		4	
G. CHDINITIDINI, Midd T.M.					
7. GREEN, Josh, M.D.		X			
				No. of the second second	
8. MIZUNO, John		X			
9. TOKIOKA, James Kunane		∇			
7. TOMOTHA, games remaine					
10. WARD, Gene, Ph.D.		X			
					:
					2004.00
TOTAL (10)		10	0	0	0
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature:					
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office					