STAND. COM. REP. NO. 2417

Honolulu, Hawaii

FEB 1 5 2008

RE: S.B. No. 2218

S.D. 1

Honorable Colleen Hanabusa President of the Senate Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

## Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 2218 entitled:

"A BILL FOR AN ACT RELATING TO ELECTRONIC MONITORING,"

begs leave to report as follows:

The purpose of this measure is to require electronic monitoring of persons convicted of violating a domestic abuse temporary restraining order or protective order.

The Hawaii State Coalition Against Domestic Violence and two individuals submitted testimony in support of this measure. The Office of the Public Defender submitted testimony in opposition to this measure. The Judiciary submitted comments.

According to the National Institute of Justice and the Centers for Disease Control and Prevention, one in four women in the United States will experience domestic violence during her lifetime. In 2007, eighty-six per cent of the legal assistance provided in Hawaii was for victims of domestic violence. Many victims of domestic violence obtain a temporary restraining order or protective order against the batterer. While not a panacea, electronic monitoring of violators of temporary restraining orders and protective orders adds an additional measure of protection by alerting a victim if the batterer is within the defined geographic exclusion zone so that the victim may find a safe location.

The Hawaii State Coalition Against Domestic Violence testified to the importance of maintaining the confidentiality of

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a victim's whereabouts from a batterer and suggested an amendment to ensure that the use of electronic monitoring does not inadvertently alert the batterer of the victim's location.

Upon further consideration, your Committee has amended this measure by:

- (1) Clarifying that the court prohibit contact with the protected party through the establishment of court defined geographic zones known to the defendant to avoid inadvertently alerting the batterer of the victim's location;
- (2) Changing the effective date from upon approval to January 1, 2009, to give the public notice of the change in the law; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2218, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2218, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor,

BRIAN T. TANIGUCHI, Chair

## The Senate Twenty-Fourth Legislature State of Hawaii

## Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*  SB 2218	Committee Referral:			Date: 2-12-08	
The committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)		V			
HEE, Clayton (VC)		/			
GABBARD, Mike		ν.			
KOKUBUN, Russell S.		V,			
NISHIHARA, Clarence K.					
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TOTAL		5	0	0	
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
<b>Distribution:</b> Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

\*Only one measure per Record of Votes