stand. com. rep. no. 1208

Honolulu, Hawaii

APR 0 9 2009

RE:

H.B. No. 1512

H.D. 1 S.D. 1

Honorable Colleen Hanabusa President of the Senate Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 1512, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS," begs leave to report as follows:

The purpose of this measure is to allow a family court judge to issue an ex parte temporary restraining order without notice to:

- (1) Grant exclusive care of a pet animal or equine animal to a party; and
- Restrain the noncustodial party or person to be restrained from visiting, taking, concealing, threatening, physically abusing, or otherwise disposing of any pet animal or equine animal whose exclusive care has been granted to a protected party.

Your Committee received testimony in support of this measure from several entities and individuals. The Family Law Section of the Hawaii State Bar Association submitted testimony in opposition. Testimony submitted to the Committee may be viewed on the Legislature's website.

Your Committee finds that pet animals have become an object of contention between parties in situations involving domestic abuse. The intent of this measure is to ensure the safety of

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animals. The Hawaii State Bar Association's Family Law Section, however, testified that this measure as received could create problems that could actually hurt victims of domestic violence, and could be misused by the parties in contentious divorce cases.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the court may restrain both parties from taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any pet animal or equine animal that is part of the family or in the household;
- (2) Changing the effective date to July 1, 2050 to continue consideration of the objections of the Hawaii State Bar Association's Family Law Section; and
- (3) Making technical, nonsubstantive amendments for the purpose of clarity and style, and to correct an erroneous statutory cross-reference.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1512, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1512, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Government Operations,

BRIAN T. TANIGUCHI, Chair

The Senate Twenty-Fifth Legislature State of Hawaii

Record of Votes Committee on Judiciary and Government Operations JGO

Bill / Resolution No.:*	Committee Referral:		D	Date:	
HB 1512, HD1	560			4/6/2009	
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 /			
TAKAMINE, Dwight Y. (VC)		V			
BUNDA, Robert		V/			
GABBARD, Mike		1			
NISHIHARA, Clarence K.			20000012 m.j.h.b(a.bb-00000000000000000000000000000000000		NACONINA SERVICIO DE LA CONTRA DEL CONTRA DE LA CONTRA DEL CONTRA DE LA CONTRA DEL CONTRA DE LA CONTRA DEL CONTRA DE LA CONTRA DEL CONTRA DE LA CONT
SLOM, Sam		V			
TOTAL		6	0	0	0
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Only one measure per Record of Votes