



( X ) IT IS FURTHER ORDERED that the Defendant is also prohibited from having contact, directly or indirectly, with witness, Laurel Creel, during the pendency of this case or until otherwise ordered by the Court;

( X ) IT IS FURTHER ORDERED that the Defendant is also prohibited from being within 500 feet radius from Jovanna Yonemura-Scanlon's place of residence, located at 94-010 Leolua St., #C-304, Waipahu, Hawaii, during the pendency of this case or until otherwise ordered by the Court;

( X ) IT IS FURTHER ORDERED pursuant to Section 134-7 of the Hawaii Revised Statutes that Defendant is prohibited from possessing or controlling any firearm, ammunition, firearm permit or license for the duration of this order or extension thereof. All permits, licenses are hereby revoked. Defendant shall immediately turn over all firearms, ammunition, permits and/or licenses to the Honolulu Police Department (Firearms Unit, Main Station, 801 S. Beretania Street, 1st Floor) for the duration of this order or extension thereof.

( X ) The terms and conditions of this order were explained by the Court to the Defendant in open court. The Defendant acknowledged that she understood the terms and conditions of the order and the possible criminal sanctions for violating it. A filed copy of this order shall be given to the Defendant forthwith.

( X ) THIS STAY AWAY ORDER SHALL BE DEEMED A CONDITION OF THE DEFENDANT'S BAIL IN THIS CASE.

( X ) ANY VIOLATION OF THIS ORDER IS A MISDEMEANOR, WHICH MAY BE PUNISHABLE BY IMPRISONMENT OF UP TO ONE (1) YEAR OR A FINE OF

\$2,000.00 OR BOTH. SEE HAWAII REVISED STATUTES SECTION  
710-1077(1)(g).

This order shall not, however, preclude any legitimate and  
ethical contact with said witnesses by Defendant's attorney.

This order shall remain in effect during the pendency of this  
case or until otherwise ordered by the Court.

Dated at Honolulu, Hawaii: March 2, 2009.

Judge of the above entitled court

APPROVED AS TO FORM:

Attorney for Defendant

Defendant's Signature

late

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

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

PETER B. CARLISLE  
PROSECUTING ATTORNEY

DOUGLAS S. CHIN  
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE JOHN M. MIZUNO, CHAIR  
THE HONORABLE TOM BROWER, VICE CHAIR  
HOUSE COMMITTEE ON HUMAN SERVICES**

**TWENTY-FIFTH STATE LEGISLATURE  
REGULAR SESSION OF 2009**

February 2, 2009

**RE: HOUSE BILL 1649; RELATING TO DOMESTIC VIOLENCE**

Good Morning Chair Mizuno and members of the Human Services Committee, the Department of the Prosecuting Attorney provides the following testimony **in support of the purpose and intent of H.B. 1649**, which proposes to authorize the issuance of restraining orders by criminal courts after the filing of a complaint, indictment, or information charging where harm to a victim or witness has occurred or is reasonably likely to occur.

While we strongly support the purpose of this measure, as we believe that victim and witness intimidation is a serious concern in many criminal cases, current statutes and court procedures would seem to make this bill unnecessary. Attached to our testimony is a sample of a "No Contact Order" that is routinely approved by Judges in our Circuit and Family Court cases in the First Circuit. The courts apparently believe that their inherent powers already provide the necessary authorization to issue such orders, and have rarely ever evidenced any hesitancy to do so. While domestic violence cases do present some additional challenges for the mechanics of issuing and enforcing such orders, they often possess some advantages over similar civil orders. To begin with, service is rarely a problem with No Contact Orders since the defendant is typically served in open court at a court hearing at which their appearance is mandatory. Similarly, the enforcement of these orders can be swifter and more effective due to the criminal courts clear and broad jurisdiction over the custody status of individuals who are released from custody during the pendency of a criminal charge. While we are open to any improvements that could be achieved in this process by the provisions of H.B. 1649, we believe that we can continue to achieve a significant level of effectiveness utilizing our current procedures. Thank you for your time and consideration.

Late

**Testimony of the Office of the Public Defender,  
State of Hawaii to the House Committee on Human Services**

February 2, 2009

Hrg: February 2, 2009, 8:15 a.m.  
1 copy required

H.B. No. 1649: RELATING TO DOMESTIC VIOLENCE

Chair Mizuno and Members of the Committee:

H.B. No. 1649 authorizes the court to issue a restraining order in cases involving domestic violence. This measure duplicates a power which already exists in the courts. When a criminal defendant is released on bail or supervised release, it is very common for a court to order that, as a condition of bail, that defendant have no contact, either verbal or in person, with the complainant or any other witness in the case. The court can also place conditions on where the defendant resides and where a defendant is able to travel (geographic restrictions). Moreover, electronic monitoring is available which allows the court determine the location of the defendant at any time.

If the complainant or witness wishes to extend the "no contact" order beyond the duration of the criminal proceeding, the person can apply for a restraining order that could be made effective at the conclusion of the criminal proceedings. There would be ample time to accomplish this during the time that the criminal court order is in effect.

Thus, the current alternatives available to the court in seeking to prevent future acts of domestic abuse when dealing with a pending case are more than sufficient. H.B. No. 1649 would not give the court a remedy that it currently does not already possess.

We oppose passage of this measure. Thank you for the opportunity to comment.