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LATE
Testimony

**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 9, 2009

RE: HOUSE BILL 229; RELATING TO THE PENAL CODE

Good morning, Chair Mizuno and members of the House Committee on Human Services, the Department of the Prosecuting Attorney submits the following testimony in support of House Bill 229, the "Protect Victims of Domestic Violence Act".

The purpose of this bill is to provide an enhanced grade of offense for specified crimes committed against victims of domestic violence who are protected by an order issued pursuant to *Hawaii Revised Statutes Chapter 586* or by a 24 hour period of separation and who are killed, assaulted, or threatened by the person who is the subject of a restraining order or period of separation.

Domestic violence is a widespread and serious problem across the United States as well as Hawaii. It has been estimated that up to 3 million American women are physically abused by their husbands or boyfriends each year. And in an effort to protect these victims from further abuse, laws were passed such as the 24 hour period of separation and creation of restraining orders specifically designed to protect domestic violence victims. Domestic violence victims who have sought the shelter of these laws should be able to benefit from the added legal protection that these statutes were designed to provide. Victims who demonstrate the courage to come out from under the vicious cycle of domestic abuse must be assured that the criminal justice process affords an adequate deterrent for those whose persistent violent behavior ignores the dignity and integrity of a lawful order of a judge or law enforcement officer. Currently, a small, but significant minority of domestic violence perpetrators insist on continuing their threats, abuse, and intimidation despite receiving specific verbal and written warnings from lawful authority to cease and desist their violent conduct. A sample case involving such an

offender creates an excellent example of why a greater deterrent is needed for habitual domestic violence offenders. This defendant, despite fifteen (15) arrests and nine (9) convictions for violating orders issued under Chapter 586 has never served more than thirty days in jail. Recalcitrant abusers like this individual need a stronger message that this type of behavior will not be tolerated. The victims of domestic violence in this state need to be reassured that our domestic violence laws are more than simply words on a piece of paper. A meaningful commitment to their protection is now required. Unfortunately for the victim of the perpetrator described above she subsequently nearly lost her life and the life of her child before her abuser was ever charged with a felony. He was subsequently convicted of a reduced charge due to the victim's desire to move to the mainland to escape the defendant's violence. We can and should provide better protection for victims of domestic violence in Hawai'i. For this reason, we support an enhancement in the grade of offense when a defendant threatens, assaults, or murders a domestic violence victim under the protection of the period of separation provided under H.R.S. Section 709-906 or an order issued pursuant to H.R.S. Chapter 586, as contained in this bill.

We respectfully request your favorable consideration of H.B. 229. Thank you for your time and consideration.



Domestic Violence Action Center

Formerly the *Domestic Violence Clearinghouse and Legal Hotline*

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TO: Chair John Mizuno
Vice Chair Tom Brower
Members of the Committee

FR: Nanci Kreidman, M.A.
Chief Executive Officer

RE: H.B. 229

**LATE
Testimony**

Aloha. Please accept this testimony in support of H.B. 812.

This Bill reinforces our community commitment to accountability for violence against intimate partners and potentially serves as a deterrent to murder. By raising the class of offense and ultimately the penalty for committing the offense, the criminal justice system is endeavoring to provide a measure of protection to victims while delivering a strong message.

We are in support of that.
Thank you very much.