STAND. COM. REP. NO. 549-10

Honolulu, Hawaii Feb 26 , 2010

RE: H.B. No. 2796 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2010 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2796 entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE ORDERS,"

begs leave to report as follows:

The purpose of this bill is to ensure that domestic abuse victims are afforded continuous protection under temporary restraining orders (TROs) or protective orders, by authorizing a TRO to remain in effect for 90 days or until service of a protective order, whichever occurs first.

This bill also provides for protective orders issued orally in court to be effective upon service of the respondent.

The Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Domestic Violence Action Center and Hawaii State Coalition Against Domestic Violence testified in support of this bill. The Office of the Public Defender opposed this measure.

Your Committee has amended this bill by:

- Clarifying that the protective order must be personally served to take effect;
- (2) Clarifying that if the respondent is present at the hearing at which the protective order is granted, the



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protective order takes effect as of the date of the hearing;

- (3) Changing the effective date to December 21, 2058, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2796, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2796, H.D. 1.

HB2796 HD1 HSCR JUD HMS 2010-2261

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

JON KIKI KARAMATSU, Chair

HECR 549.6

State of Hawaii House of Representatives The Twenty-fifth Legislature

1.5

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: Committee HB 2796	nmittee Referral:Date:UDICIARY2/23/10			
 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)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KARAMATSU, Jon Riki (C)	V			
2. ITO, Ken (VC)	V			
3. BELATTI, Della Au	V			
4. CABANILLA, Rida	V			
5. CARROLL, Mele	V			A DE CAR
6. HERKES, Robert N.				V
7. LUKE, Sylvia	~			
8. McKELVEY, Angus L.K.				
9. MIZUNO, John M.	V			
10. MORITA, Hermina M.				
11. OSHIRO, Blake K.				
12. SOUKI, Joseph M.	V	й.		
13. TSUJI, Clift			品用其用的得	
14. WAKAI, Glenn				
15. MARUMOTO, Barbara C.				
16. THIELEN, Cynthia				
		0		
TOTAL (16)	14	U	0	2
The recommendation is: X Adopted In Not Adopted If joint referral,				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				