CONFERENCE COMMITTEE REP. NO. 🗂

Honolulu, Hawaii April 28, 2011 RE: H.B. No. 1003 H.D. 2 S.D. 2 C.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1003, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to provide greater protection to victims of domestic violence by establishing first and second degree murder, second degree assault, and first degree terroristic threatening for a person who causes death or bodily injury to a person or threatens a person who:

 The defendant has been restrained, by order of any court from contacting, threatening, or physically abusing pursuant to domestic abuse protective orders; or



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(2) Is being protected by a police officer ordering the defendant to leave the premises of that protected person during the effective period of the restraining order.

Additionally, this bill establishes that a person commits the offense of murder in the first degree if the person intentionally or knowingly causes the death of a person known by the defendant to be a witness in a family court proceeding and the killing is related to the person's status as a witness.

Your Committee on Conference has amended this bill by:

- (1) Removing language that establishes second degree murder for a person who recklessly causes the death of a person who:
 - (A) The defendant has been restrained from, by order of any court, contacting, threatening, or physically abusing pursuant to domestic abuse protective orders; or
 - (B) Is being protected by a police officer ordering the defendant to leave the premises of that protected person during the effective period of the restraining order;

and

- (2) Removing language specifying that second degree assault is established for a person who recklessly causes bodily injury to a person who:
 - (A) The defendant has been restrained from, by order of any court, contacting, threatening, or physically abusing pursuant to domestic abuse protective orders; or
 - (B) Is being protected by a police officer ordering the defendant to leave the premises of that protected person during the effective period of the restraining order.



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As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1003, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1003, H.D. 2, S.D. 2, C.D. 1.

> Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

Enzanni Chun Caplant SUZANNE CHUN OAKLAND, Chair

CLAYTON HEE, Co-Chair

JOHN M. MIZUNO, Chair

GILBERT KEITH-AGAR

HB1003 CD1 HCCR HMS 2011-3993

Hawaii State Legislature

CCR 74

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 1003, HD 2, SD 2					Date/Time: 4 28 11	11:D3am			
The recommendation of the House and Senate managers is to pass with amendments (CD).									
The Committee is reconsidering its previous decision.									
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	Α	WR	N	Е	House Managers	A	WR	N	E
CHUN OAKLAND, Suzanne, Chr.	1				MIZUNO, John M., Co-Chr.	\checkmark			
HEE, Clayton, Co-Chr.	V				KEITH-AGARAN, Gilbert S.C., Co-Chr.	\checkmark	·		
FUKUNAGA, Carol				V	JORDAN, Jo	V			
SHIMABUKURO, Maile S.L.	\checkmark				PINE, Kymberly Marcos	\checkmark			
SLOM, Sam				7					
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TOTAL	ク	0	0	Y	TOTAL	4	0	0	0
A = Aye $WR = Aye$ with Reservations $N = Nay$ $E = Excused$									
Senate Recommendation is:				House Recommendation is: Adopted INot Adopted					
Senate Lead Chair's or Designee's Signature:					House Lead Chair's or Designee's Signature:				
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