STAND. COM. REP. NO.

73 -12

Honolulu, Hawaii

Feb 6, 2012

RE: H.B. No. 1729

H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 1729 entitled:

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

The purpose of this measure is to introduce safeguards involving temporary restraining orders by:

- (1) Requiring petitioners for temporary restraining orders in family court and district court to disclose all pending litigation involving the petitioner;
- (2) Authorizing a family court or district court to meet with the petitioner to receive information to validate the contents of the petition prior to granting a temporary restraining order; and
- (3) Defining the word "imminent" with regard to the type of harm for which a temporary restraining order may be issued.

The Consumer Family Youth Alliance and three concerned individuals supported this measure. A concerned individual supported the intent of this measure. The Domestic Violence Action Center opposed this measure. The Judiciary offered comments on this measure.

HB1729 HD1 HSCR HUS HMS 2012-1508

Your Committee has amended this bill by:

- (1) Removing the provision that authorizes a family court or district court to meet with the petitioner to receive information prior to granting a temporary restraining order;
- (2) Clarifying that petitioners for temporary restraining orders need to disclose only current and pending litigation in family court or district court, offenses relating to domestic abuse, or offenses against the person involving the petitioners;
- (3) Changing the effective date to July 1, 2050, to promote 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1729, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1729, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Human Services,

JOHN M. MIZUNO.

State of Hawaii House of Representatives The Twenty-sixth Legislature

H5CR83-12

Record of Votes of the Committee on Human Services

Bill/Resolution No.:	Committee Referral:		Date: JAN 30 ₁	2017
HB 1729	HUS, JUD,	-	JAN WI	WIZ
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR) Nays	Excused
1. MIZUNO, John M. (C)			-	
2. JORDAN, Jo (VC)				
3. BELATTI, Della Au	·			
4. HANOHANO, Faye P.	V			
5. LEE, Chris				
,				
6. MORIKAWA, Dee				
7. WOOLEY, Jessica				
8. YAMANE, Ryan I.				
9. CHING, Corinne W.L.				
10. PINE, Kymberly Marcos				
				
				
TOTAL (10)				2
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				