STAND. COM. REP. NO.

Honolulu, Hawaii **E6009 27**, 2013 RE: H.B. No. 587 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 587 entitled:

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

begs leave to report as follows:

The purpose of this measure is to strengthen the law that protects family or household members from physical abuse. Specifically, this bill:

- (1) Expands the definition of a "family or household member" to include partners in a romantic relationship when considering the abuse of a family or household member;
- (2) Allows a police officer to arrest an individual suspected of abusing a family or household member to prevent the individual from returning to the scene of the alleged abuse after a stay-away order to leave the premises has been issued by a police officer;
- (3) Increases the minimum jail sentence for abuse of a family or household member or the refusal to comply with the lawful order of a police officer in cases where reasonable grounds exist to believe that physical abuse or harm was inflicted upon a family or household member from:



STAND. COM. REP. NO. . 128 Page 2

- (A) Forty-eight hours to ninety-six hours for a first offense; and
- (B) Thirty days to sixty days for a second offense occurring within one year of the first conviction;
- (4) Provides that a third or any subsequent offense of abuse of a family or household member shall be deemed a Class C felony if the offense occurred within five rather than two years of a second or subsequent conviction; and
- (5) Makes abuse of a family or household member a Class C felony if the physical abuse occurs in the presence of any family or household member who is less than ten years of age.

The Office of the Prosecuting Attorney of the County of Kauai and two concerned individuals testified in support of this bill. The Office of the Public Defender and Maui Police Department testified in opposition to this measure. The Hawaii State Coalition Against Domestic Violence provided comments.

Your Committee has amended this bill by:

HB587 HD1 HSCR JUD HMS 2013-2411-1

- Changing the term romantic relationship to dating relationship when considering persons in a relationship under the definition of "family or household member" for cases of abuse of a family or household member;
- (2) Deleting the provision allowing a police officer to arrest an individual suspected of abusing a family or household member to prevent the individual from returning to the scene of the alleged abuse after a stay-away order to leave the premises has been issued by a police officer;
- (3) Deleting the provision increasing the minimum jail sentences for abuse of a family or household member or the refusal to comply with the lawful order of a police officer in cases where reasonable grounds exist to believe that physical abuse or harm was inflicted upon a family or household member;

STAND. COM. REP. NO. 124 Page 3

- (4) For the time period within which a third or any subsequent offense of abuse of a family or household member shall be deemed a Class C felony, deleting the increase from two to five years;
- (5) Deleting the provision making abuse of a family or household member a Class C felony if the physical abuse occurs in the presence of any family or household member who is less than ten years of age; and
- (6) 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. 587, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 587, H.D. 1, and be placed on the calendar for Third Reading.

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

KARL RHOADS, Chair



State of Hawaii House of Representatives The Twenty-seventh Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:	Date:		<u> </u>
HB587	JUD		226/13	
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Dess, unamended (as is)				
Pass short form bill with HIR to recommit for future public hearing (recommit)				
JUD Members				
	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	<u>X</u>			
2. HAR, Sharon E. (VC)	X			
3. BELATTI, Della Au	<u> </u>			
4. BROWER, Tom	X			
5. CABANILLA, Rida T.R.				X
6. CARROLL, Mele			<u></u>	<u> X </u>
7. ITO, Ken	X			,
8. KAWAKAMI, Derek S.K.	X			· ··· ··· ··· ··· ···
9. LEE, Chris	X		. <u></u> .	
10. TSUJI, Clift	¥			
11. WOOLEY, Jessica				<u> </u>
12. MCDERMOTT, Bob	X			
13. THIELEN, Cynthia	X			
	[¹			
				-
				-
TOTAL (13)	lo			3
The recommendation is: Adopted				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) ~ HMSO				