STAND. COM. REP. NO. 1331



Honolulu, Hawaii

APR 0 5 2013

RE: H.B. No. 587 H.D. 1 S.D. 1

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 587, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to amend section 709-906, Hawaii Revised Statutes, to include persons in a dating relationship as family or household members for the purposes of prohibiting physical abuse of family or household members.

Your Committee received testimony in support of this measure from the Kauai Chamber of Commerce. Testimony in opposition to this measure was submitted by the Office of the Public Defender.

Your Committee finds that domestic violence is a public health epidemic and this measure assists in addressing this epidemic by expanding the definition of "family or household member" to include persons in a dating relationship.

Existing law requires a police officer to order a person to leave the premises for a period of separation of twenty-four hours if the police officer has reasonable grounds to believe that there is probable danger of further physical abuse or harm being inflicted by the person upon a family or household member. Your Committee further finds that this twenty-four hour no contact period is beneficial to domestic violence victims because it creates a safe period in which the victim may seek refuge in a



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shelter or use other safety options. A no contact order has the same effect as a temporary restraining order, but victims may use a no contact order when the courts are closed then follow up their request for a temporary restraining order using a no contact order issued by the police as justification. Thus, your Committee believes that increasing the no contact period from twenty-four to four-eight hours will provide victims a longer safe period to seek refuge or assistance.

Accordingly, your Committee has amended this measure by:

- (1) Adding language to increase from twenty-four to fortyeight hours the no contact period, during which a person is required by a police officer to stay away from a family or household member if the police officer has reasonable grounds to believe that a family or household member is in probable danger of further physical abuse or harm being inflicted by the person;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 587, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 587, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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

Labor

CLAYTON HEE, Chair



The Senate Twenty-Seventh Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:* Committee		Referral: Date: / /			/
HB 587, HD1	3 587, HD1 JOL		3/25/13		
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)					
SHIMABUKURO, Maile S.L. (VC)				н. На 1997 г. н.	
GABBARD, Mike					
IHARA, Jr., Les					
SLOM, Sam					
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TOTAL	/	5			
Recommendation:					
Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes