
A BILL FOR AN ACT

RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 709-906, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (1) to read:

4 "(1) It shall be unlawful for any person, singly or in
5 concert, to physically abuse a family or household member or to
6 refuse compliance with the lawful order of a police officer
7 under subsection (4). The police, in investigating any
8 complaint of abuse of a family or household member, upon
9 request, may transport the abused person to a hospital or safe
10 shelter.

11 For the purposes of this section[~~,"family"~~]:

12 "Family or household member" means spouses or reciprocal
13 beneficiaries, former spouses or reciprocal beneficiaries,
14 persons in a dating relationship as defined under section 586-1,
15 persons who have a child in common, parents, children, persons
16 related by consanguinity, and persons jointly residing or
17 formerly residing in the same dwelling unit.



1 "Business day" means any calendar day, except Saturday,
2 Sunday, or any state holiday."

3 2. By amending subsection (4) to read:

4 "(4) Any police officer, with or without a warrant, may
5 take the following course of action where the officer has
6 reasonable grounds to believe that there was physical abuse or
7 harm inflicted by one person upon a family or household member,
8 regardless of whether the physical abuse or harm occurred in the
9 officer's presence:

10 (a) The police officer may make reasonable inquiry of the
11 family or household member upon whom the officer
12 believes physical abuse or harm has been inflicted and
13 other witnesses as there may be;

14 (b) Where the police officer has reasonable grounds to
15 believe that there is probable danger of further
16 physical abuse or harm being inflicted by one person
17 upon a family or household member, the police officer
18 lawfully shall order the person to leave the premises
19 for a period of separation [~~of forty-eight hours~~],
20 during which time the person shall not initiate any
21 contact, either by telephone or in person, with the
22 family or household member; provided that the person



1 is allowed to enter the premises with police escort to
2 collect any necessary personal effects. The period of
3 separation shall commence when the order is issued and
4 expire at 6:00 p.m. on the second business day
5 following the day the order was issued;

6 ~~[(c) where the police officer makes the finding referred to~~
7 ~~in paragraph (b) and the incident occurs after 12:00~~
8 ~~p.m. on any Friday, or on any Saturday, Sunday, or~~
9 ~~legal holiday, the order to leave the premises and to~~
10 ~~initiate no further contact shall commence immediately~~
11 ~~and be in full force, but the forty eight hour period~~
12 ~~shall be enlarged and extended until 4:30 p.m. on the~~
13 ~~first day following the weekend or legal holiday,~~

14 ~~(d)]~~ (c) All persons who are ordered to leave as stated
15 above shall be given a written warning citation
16 stating the date, time, and location of the warning
17 and stating the penalties for violating the warning.
18 A copy of the warning citation shall be retained by
19 the police officer and attached to a written report
20 which shall be submitted in all cases. A third copy
21 of the warning citation shall be given to the abused
22 person;



1 ~~[(e)]~~ (d) If the person so ordered refuses to comply with
2 the order to leave the premises or returns to the
3 premises before the expiration of the period of
4 separation, or if the person so ordered initiates any
5 contact with the abused person, the person shall be
6 placed under arrest for the purpose of preventing
7 further physical abuse or harm to the family or
8 household member; and

9 ~~[(f)]~~ (e) The police officer shall seize all firearms and
10 ammunition that the police officer has reasonable
11 grounds to believe were used or threatened to be used
12 in the commission of an offense under this section."

13 SECTION 2. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 3. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Period of Separation; Abuse; Family or Household Member

Description:

Specifies that the period of separation that a police officer can order under suspicion of physical abuse or harm is two business days from the day the order is issued. Defines "business day" as any calendar day, except Saturday, Sunday, or a state holiday. (HB1570 HD1)

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