

# **SB 226**

## **RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER**

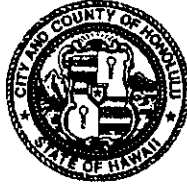
Adds the definition of "business day" to the offense of abuse of a family or household member. Repeals the forty-eight hour no contact provision and specifies that the period of separation that a police officer shall order the person who the police officer reasonably believes to have inflicted the abuse of a family or household member commences when the order is issued and expires at 6:00 p.m. on the second business day following the day the order was issued.

PSM, JDL

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

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OUR REFERENCE KH-NTK

February 12, 2015

The Honorable Will Espero, Chair  
and Members  
Committee on Public Safety, Intergovernmental  
and Military Affairs  
State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Espero and Members:

SUBJECT: Senate Bill No. 226, Relating to Abuse of Family or Household Member

I am Keith Horikawa, Captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department strongly supports Senate Bill No. 226, Relating to Abuse of Family or Household Member.

The Honolulu Police Department recognizes the seriousness of domestic violence and the emotional stress associated with abuse. The passage of this bill will afford the witness or victim two full business days to apply for a temporary restraining order and to seek other forms of assistance that are not readily available on weekends and holidays.


The Honolulu Police Department urges you to support Senate Bill No. 226, Relating to Abuse of Family or Household Member.

Thank you for the opportunity to testify.

Sincerely,

  
KEITH HORIKAWA, Captain  
Criminal Investigation Division

APPROVED:

  
LOUIS M. KEALOHA  
Chief of Police

*Serving and Protecting With Aloha*

DEPARTMENT OF THE PROSECUTING ATTORNEY  
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ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE GILBERT KEITH-AGARAN, CHAIR**  
**SENATE COMMITTEE ON JUDICIARY AND LABOR**  
**Twenty-Eighth State Legislature**  
**Regular Session of 2015**  
**State of Hawai'i**

February 12, 2015

**RE: S.B. 226; RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.**

Chair Keith-Agaran, Vice-Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of Senate Bill 226.

This bill adds the definition of "business day" to the offense of abuse of a family or household member. Further, it provides that the period of separation ordered by the police officer between the offender and the victim shall expire at 6:00 p.m. on the second business day following the day the order was issued.

H.B. 226 will ensure that the victim has enough time to get to a safe location and be able to get services, especially those that are only available on business days.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of S.B. 226. Thank you for the opportunity to testify on this matter.

**Justin F. Kollar**  
Prosecuting Attorney

**Kevin K. Takata**  
First Deputy



**Rebecca A. Vogt**  
Second Deputy

**Diana Gausepohl-White**  
Victim/Witness Program Director

**OFFICE OF THE PROSECUTING ATTORNEY**

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TESTIMONY IN SUPPORT OF  
SB226 – RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER

Justin F. Kollar, Prosecuting Attorney  
County of Kaua'i

Senate Committee on Public Safety, Intergovernmental and Military Affairs  
February 12, 2015, 1:15 p.m., Conference Room 229

Chair Espero, Vice Chair Baker, and Members of the Committee:

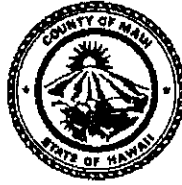
The County of Kaua'i, Office of the Prosecuting Attorney, submits this testimony in SUPPORT of SB226 – Relating to Abuse of Family or Household Member. This Bill adds the definition of “business day” to the offense of abuse of a family or household member. It also provides that the period of separation ordered by the police officer between the offender and the victim shall expire at 6:00 p.m. on the second business day following the day the order was issued.

This Bill is essentially a housekeeping measure designed to streamline some technical problems with the existing AFHM statute. The proposed changes are reasonable and in the best interest of the victims of these cases. The changes will ensure that the victim has the most possible time to undertake necessary activities during the period of separation, such as seeking of restraining orders, or making alternative living arrangements, seeking family assistance, etc.

Accordingly, we SUPPORT SB226. We request that your Committee PASS the Bill.

Thank you very much for the opportunity to provide testimony on this Bill.

ALAN M. ARAKAWA  
Mayor



JOHN D. KIM  
Acting Prosecuting Attorney

ROBERT D. RIVERA  
Acting First Deputy Prosecuting Attorney

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Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY  
ON  
SB 226 - RELATING TO  
ABUSE OF FAMILY OR HOUSEHOLD MEMBER

February 11, 2014

The Honorable Will Espero  
Chair  
The Honorable Rosalyn H. Baker  
Vice Chair  
and Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs

Chair Espero, Vice Chair Baker, and Members of the Committees:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS SB 226 - Relating to Abuse of Family or Household Member. Currently, when a police officer issues an order for separation on a Saturday, Sunday, or legal holiday, pursuant to Hawaii Revised Statutes, Section 709-906(4)(b), the family or household member has only one business day to prepare and submit a protective order petition/application; have a judge review the petition; and have the petition served upon the respondent. This limited timetable is especially problematic where a petitioner resides in an outermost district such as Hana, or on another island such as Molokai or Lanai.

In situations like the above, this bill will provide two business days for a family or household member an opportunity to apply/obtain a court issued temporary protective order. Furthermore, this additional time will also greatly increase the chances of a seamless transition where the court issued protective order will be served before the police issued order for separation expires.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill. We ask that the committee PASS SB 226.

Thank you very much for the opportunity to provide testimony on this bill.

**SB226**

Submitted on: 2/10/2015

Testimony for PSM on Feb 12, 2015 13:15PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kenny Wusstig	Individual	Support	No