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TESTIMONY
ON
SB 226, SD 1 - RELATING TO
ABUSE OF FAMILY OR HOUSEHOLD MEMBER

February 23, 2014

The Honorable Gilbert S. C. Keith-Agaran
Chair
The Honorable Maile S. L. Shimabukuro
Vice Chair
and Members of the Senate Committee on Judiciary and Labor

Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committees:

The Department of the Prosecuting Attorney, County of Maui, **STRONGLY SUPPORTS** SB 226, SD 1 - Relating to Abuse of Family or Household Member. The bill establishes that, regardless when issued, a police stay away order in cases of domestic violence, is effective for two business days.

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.

While we strongly support this bill, we believe that an amendment should be made. Under the current language of the bill, if the stay away order is issued on a business day, that the next day would be the "second business day." We believe that lines 19-20 on page 2 and lines 1-2 on page 3 should read as follows:

any necessary personal effects[;]. The period of separation shall commence when the order is issue and expire at 6:00 p.m. on the second business day following the day the order was issued. *The day the order is issued shall not be included in the computation of two business days.*

The italicized portion is our proposed amendment. This will clarify that a victim has two full business days to have a protective order approved by a court and served on the other party.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, STRONGLY SUPPORTS the passage of this bill. We ask that the committee PASS SB 226, SD 1 with our proposed amendment.

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

COUNTY COUNCIL

Mel Rapozo, Chair
Ross Kagawa, Vice Chair
Mason K. Chock
Gary L. Hooser
Arryl Kaneshiro
KipuKai Kualii
JoAnn A. Yukimura



OFFICE OF THE COUNTY CLERK

Ricky Watanabe, County Clerk
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Council Services Division
4396 Rice Street, Suite 209
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February 20, 2015

**TESTIMONY OF MEL RAPOZO
COUNCIL CHAIR, KAUAI COUNTY COUNCIL
ON**

SB 226, SD 1 RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER

Senate Committee on Judiciary and Labor

Monday, February 23, 2015

9:15 a.m.

Conference Room 016

Dear Chair Keith-Agaran and Members of the Committee:

Thank you for this opportunity to submit testimony in strong support of SB 226, SD 1, Relating to Abuse of Family or Household Member. My testimony is submitted in my capacity as the Council Chair of the Kauai County Council.

SB 226, SD 1 is very similar to a proposal submitted and approved by the Hawaii State Association of Counties, which was subsequently approved by all four County Councils. SB 226, SD 1 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 ensures that any victim has two full business days to apply for a restraining order or seek assistance from means that may not be readily available on weekends and holidays. This additional time will foster a seamless transition for court issued protective orders to be issued before the expiration of police issued protective orders.

For the reasons stated above, I strongly encourage the Senate Committee on Judiciary and Labor to pass this measure. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

MEL RAPOZO
Council Chair, Kauai County Council

COUNTY COUNCIL

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February 20, 2015

TESTIMONY OF KIPUKAI KUALII
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON

SB 226, SD 1 RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER

Senate Committee on Judiciary and Labor

Monday, February 23, 2015

9:15 a.m.

Conference Room 016

Dear Chair Keith-Agaran and Members of the Committee:

Thank you for this opportunity to submit testimony in strong support of SB 226, SD 1, Relating to Abuse of Family or Household Member. My testimony is submitted in my capacity as the Economic Development & Intergovernmental Relations Committee Chair and as an individual Councilmember on the Kaua'i County Council.

SB 226, SD 1 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 will allow a family or household member an opportunity to apply for or obtain a court issued protective order, make alternative living arrangements, or seek any other assistance necessary to ensure their well-being. This measure ensures that the victim(s) has two full business days to apply for a restraining order or seek assistance from means that may not be readily available on weekends and holidays.

For the reasons stated above, I strongly encourage the Senate Committee on Judiciary and Labor to pass this measure. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

KIPUKAI KUALII
Councilmember, Kaua'i County Council

**CHAIR GILBERT S. C. KEITH-AGARAN
VICE CHAIR MAILE S. L. SHIMABUKURO
SENATE COMMITTEE ON JUDICIARY AND LABOR**

Tamaki Takada
takadat@hawaii.edu

Monday, February 23, 2015
09:15 A.M.
State Capitol, Conference Room 016

**PARTIALLY SUPPORT TO S.B. 226 S.D. 1
RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.**

My name is Tamaki Takada, a Master's student in the University of Hawaii at Manoa Myron B. Thompson School of Social Work. I dedicated myself to engaging in intensive victim advocate training and working with the survivors of domestic violence in Hawaii's criminal justice system.

The purpose of S.B. 226 S.D. 1 is to repeal the forty-eight hour no contact provision. Instead, the bill proposes a new timeframe for the effective period of separation order, which is two business days following the day that the order is issued.

I am testifying in partially support to S.B.226 S.D. 1. The intent of this bill should adhere to advocating victims' physical and emotional safety as well as preventing further offenses against victims' properties and/or family members. I would like to support the intent, however, I am worrying that separation order in some cases could be issued with a shorter effective period than forty-eight hours, i.e., an AFHM case took place and an order was issued at between 18:00 and 23:59 on a first day of any consecutive three or more business days would result in a range less than forty-eight (the minimum could be forty-two) hours. I would rather ask the legislature to add a sentence of "The minimum period of separation shall be no less than forty-eight hours."

Thank you very much for the opportunity to testify on this matter.

Sincerely,