

Honolulu, Hawaii

January 29, 2016

RE: H.B. No. 1166

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1166 entitled:

"A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBERS,"

begs leave to report as follows:

The purpose of this measure is to expand the variety of conduct that constitutes abuse of a family or household member to include the impediment of breathing or circulation of blood by the application of pressure to the mouth or nose, in addition to existing standards for the neck or throat.

Your Committee finds that the current class C felony law for impeding the normal breathing or circulation of the blood is limited to incidents where pressure is applied to the throat or neck of a person. This measure adds applying pressure to the mouth or nose to the heightened offense.

As supported by the testimony, there is a need to vigorously prosecute domestic violence in the state and take strong actions to deter future acts of domestic violence. Local law enforcement and prosecutor agencies have handled numerous cases involving strangulation or suffocation where the perpetrator blocked the victim's mouth or nose to prevent breathing, but prosecutors were unable to bring felony charges under the existing statute. Though certain extreme incidents involving suffocation may be subject to prosecution as a more serious offense under a different statute,



the extremely narrow language of the existing statute has proven to be a barrier to prosecution in many situations.

The legislature's original intent in enacting heightened penalties for acts of domestic abuse involving strangulation or suffocation was to narrowly apply these penalties to acts that deliberately target critical areas. Your Committee finds that this measure is in accord with that intent and notes that statutory language requiring intentional or knowing conduct is preserved.

The Honolulu Police Department, County of Hawaii Office of the Prosecuting Attorney, County of Kauai Office of the Prosecuting Attorney, and two individuals testified in support of this measure. The Office of the Public Defender testified in opposition to this measure.

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. 1166 and recommends that it pass Second Reading and be referred to your Committee on Finance.

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



KARL RHOADS, Chair



HSCR 1-16

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:	Date:		
H.B. 1166	JUD, FIN	01/21/16		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	X			
2. SAN BUENAVENTURA, Joy A. (VC)		✓		
3. BELATTI, Della Au				X
4. BROWER, Tom	✓			
5. CREAGAN, Richard P.	X			
6. HASHEM, Mark J.	X			
7. KAWAKAMI, Derek S.K.	✓			
8. LEE, Chris	X			
9. MORIKAWA, Dee				✓
10. NAKASHIMA, Mark M.	✓			
11. TAKAYAMA, Gregg	P			
12. WOODSON, Justin H.	✓			
13. McDERMOTT, Bob				X
14. THIELEN, Cynthia	✓			
TOTAL (14)	10	1	0	3
The recommendation is:	<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted			
If joint referral,	_____ did not support recommendation. <div style="text-align:center;">committee acronym(s)</div>			
Vice Chair's or designee's signature:				
Distribution:	Original (White) - Committee	Duplicate (Yellow) - Chief Clerk's Office	Duplicate (Pink) - HMSO	