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Sent: Tuesday, January 12, 2016 12:39 PM
To: JUDtestimony
Cc: breaking-the-silence@hotmail.com
Subject: *Submitted testimony for HB1166 on Jan 21, 2016 14:00PM*

HB1166

Submitted on: 1/12/2016

Testimony for JUD on Jan 21, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

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MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KĪLAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908
(808) 934-3403
(808) 934-3503

WEST HAWAII UNIT
81-980 HALEKĪ ST, SUITE 150
KEALAKEKUA, HAWAII 96750
PH: (808) 322-2552
FAX: (808) 322-6584

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 1166

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

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Joy A. San Buenaventura, Vice Chair

Thursday, January 21, 2016, 2:00 p.m.
State Capitol, Conference Room 325

Honorable Chair Rhoads, Vice-Chair San Buenaventura, and Members of the Committee on Judiciary, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 1166.

This measure adds the mouth and nose of a family or household member to the types of body parts on which pressure that is applied to intentionally or knowingly impede the normal breathing or blood circulation shall constitute Abuse of a Family or Household Member as a Class C Felony.

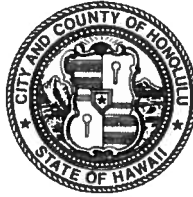
Our office has prosecuted numerous cases where the crime victim's breath was impeded or stopped by a defendant placing their hands over the victim's mouth and nose. In some cases, pillows were used to apply pressure over the victim's face to a point the victim could not breathe. In cases such as these, there may be no visible injury or the injury may not be sufficient to photograph.

An abuser can apply pressure to the neck of a victim, then change tactics by placing hands over the victim's nose and mouth instead. This will not only muffle screams, but cut off breath. Eliminating this loop hole by adding the mouth and nose to the statute would deter abusers and give prosecutors a powerful new tool in prosecuting defendants who commit this type of crime.

The Office of the Prosecuting Attorney, County of Hawai'i supports the passage of House Bill No. 1166. Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honoluluupd.org



KIRK CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

MARIE A. McCAULEY
CARY OKIMOTO
DEPUTY CHIEFS

OUR REFERENCE LL-NTK

January 21, 2016

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 1166, Relating to Abuse of Family or Household Members

I am Larry R. Lawson, Major of the Criminal Investigation Division, Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department strongly supports House Bill No. 1164, Relating to Abuse of Family or Household Members.

The Honolulu Police Department recognizes the seriousness of domestic violence and the psychological stress associated with abuse. The passage of this bill would assist in closing a gap in the existing law as it relates to felony strangulation cases. Adding the language of "mouth or nose" addresses the harm caused by suffocation and the possibility of choking a victim by forcibly impeding the victim's airway.

The Honolulu Police Department urges you to support House Bill No. 1166, Relating to Abuse of Family or Household Members.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry R. Lawson".

LARRY R. LAWSON, Major
Criminal Investigation Division

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoa".

LOUIS M. KEALOHA
Chief of Police

Justin F. Kollar
Prosecuting Attorney

Jennifer S. Winn
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

3990 Ka'ana Street, Suite 210, Lihu'e, Hawai'i 96766
808-241-1888 ~ FAX 808-241-1758
Victim/Witness Program 808-241-1898 or 800-668-5734

TESTIMONY IN SUPPORT OF HOUSE BILL 1166

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

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair
Rep. Joy A. San Buenaventura, Vice Chair

Justin F. Kollar, Prosecuting Attorney
County of Kauai

Thursday, January 21, 2016, 2:00 p.m.
State Capitol, Conference Room 325

Honorable Chair Rhoads, Vice-Chair San Buenaventura, and Members of the House Committee on Judiciary:

The Office of the Prosecuting Attorney, County of Kauai submits the following testimony in support of H.B. 1166, Relating to Abuse of Family or Household Members.

This measure adds the mouth and nose of a family or household member to the types of body part on which pressure that is applied to intentionally or knowingly impede the normal breathing or blood circulation shall constitute Abuse of a Family or Household Member as a Class C Felony.

An abuser can apply pressure to the neck of a victim, then change tactics by placing hands over the victim's nose and mouth instead. This will not only muffle screams, but cut off breath as well. Eliminating this loop hole by adding the mouth and nose to the statute would deter abusers and give prosecutors a powerful new tool in prosecuting defendants who commit this type of crime.

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

Respectfully,

A handwritten signature in black ink, appearing to read "J. Kollar".

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

Denby Toci
Community Advocate Against Domestic Violence/
Family Violence Interagency Committee Member-Hilo

TESTIMONY FOR HOUSE BILL 1166

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

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair
Rep. Joy A. San Buenaventura, Vice Chair

LATE

Thursday, January 21, 2016, 2:00 p.m.
State Capitol, Conference Room 325

As a former victim of domestic violence and now an advocate against DV, I am submitting my testimony **in favor of HOUSE BILL 1166**.

Domestic violence kills! Adding mouth and nose of a family household member to the types of body parts on which pressure is applied intentionally or knowingly impede normal breathing or blood circulation shall constitute abuse of a family household member making it a class C felony will help hold the abuser accountable, prosecuting more Domestic Violence/Abuse of a Family Household cases.

Please accept my testimony **in favor of House Bill 1166**. Thank you.

**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on
Judiciary**

LATE

January 21, 2016

H.B. No. 1166: RELATING TO ABUSE OF FAMILY OR HOUSEHOLD
MEMBERS

Chair Rhoads and Members of the Committee:

We oppose passage of H.B. No. 1166 which would raise Abuse of Household Member to a Class C felony if one applies pressure to the mouth or nose thereby impeding the normal breathing of another.

We do not feel that applying pressure to another's mouth or nose equates to the current felony level of abuse by applying pressure on the throat. We cannot envision a scenario where one could be seriously endangered by pinching one's nose or covering one's mouth unless that person is somehow drugged or tied up which would bring other possible charges such as attempted murder or kidnapping into the case.

It is also a concern that expanding the offense of Abuse of Household Member in the manner proposed by H.B. No. 1166 could lead to exaggerated claims of felony abuse. This is currently a frequent issue with respect to claims of choking which are rejected by juries in the criminal court system. A false allegation on the felony level has serious ramifications on the defendant which include an increased amount of bail, possible pre-trial incarceration and loss of employment.

Thank you for the opportunity to provide testimony in this matter.