

JAN 19 2018

A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE.

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

1 SECTION 1. The legislature finds that in order to more
2 effectively aid victims of domestic violence, the State must
3 incentivize law enforcement agencies and emergency medical
4 services agencies to develop and adopt formal policies and
5 procedures, including training requirements for personnel and
6 supervisors, that appropriately address the needs of these
7 victims. The legislature further finds that victims of domestic
8 violence are more effectively protected when personnel who are
9 the first to arrive at the scene of a reported incident, such as
10 law enforcement officers and paramedics, are required to conduct
11 lifesaving interventions such as lethality assessments and
12 safety planning with victims. The legislature recognizes,
13 however, that changes to official protocols usually require a
14 period of time to implement and that the affected agencies will
15 need to phase in any new requirements.

16 Nonetheless, the legislature is keenly aware that delaying
17 implementation of these protocols for much longer will only



1 place victims of domestic violence in greater danger, as they
2 face the constant threat of physical harm. According to a 2017
3 report by the Centers for Disease Control and Prevention, in
4 killings of women where the circumstances were known, more than
5 fifty per cent of the cases involved intimate partner violence.
6 Even more chilling is the fact that one in ten victims of
7 intimate partner violence-related homicide had reportedly
8 experienced violence in the month preceding death.

9 The purpose of this Act is to better protect victims of
10 domestic violence by requiring that, as of July 1, 2020, only
11 those law enforcement agencies and emergency medical services
12 agencies whose policies, procedures, and training for personnel
13 and supervisors formally require lethality assessments and
14 safety planning with victims of domestic violence shall receive:

15 (1) Moneys from the emergency medical services special
16 fund; or

17 (2) Funds received from the federal government for the
18 purpose of addressing domestic violence.

19 SECTION 2. Chapter 28, Hawaii Revised Statutes, is amended
20 by adding a new section to part I to be appropriately designated
21 and to read as follows:



1 "§28- Federal funds; distribution; lethality assessment
2 and safety planning required. (a) To the extent allowed by
3 federal law, the department of the attorney general shall not
4 distribute any funds received from the federal government for
5 the purpose of addressing domestic violence to a law enforcement
6 agency or emergency medical services agency whose policies,
7 procedures, and training for personnel and supervisors do not
8 formally require lethality assessments and safety planning with
9 victims of domestic violence.

10 (b) As used in this section:

11 "Emergency medical services agency" means any government
12 agency, private agency, or company that provides ambulance
13 services or emergency medical services.

14 "Law enforcement agency" means any county police
15 department, the department of public safety, and any state or
16 county public body that employs law enforcement officers.

17 "Lethality assessment" and "safety planning" shall be as
18 described in the most current Police Officer Domestic Violence
19 Model Policy authored by the International Association of Chiefs
20 of Police, or any comparable standards as determined by the
21 department of the attorney general."



SECTION 3. Section 46-7, Hawaii Revised Statutes, is amended to read as follows:

"§46-7 Agreements with federal government; use of funds.

(a) The governing body or the planning commission or department of the various counties, with the consent of the council, may enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with the federal government or any other public body or bodies respecting action to be taken pursuant to any of the powers granted to it by law and furnish, expend, and receive any funds or other assistance in connection with projects being or to be undertaken pursuant to the powers~~[-]~~; provided that, to the extent allowed by federal law, a county shall not distribute any funds received from the federal government for the purpose of addressing domestic violence to a law enforcement agency or emergency medical services agency whose policies, procedures, and training for personnel and supervisors do not formally require lethality assessments and safety planning with victims of domestic violence.

(b) As used in this section:



1 "Emergency medical services agency" means any government
2 agency, private agency, or company that provides ambulance
3 services or emergency medical services.

4 "Law enforcement agency" means any county police
5 department, the department of public safety, and any state or
6 county public body that employs law enforcement officers.

7 "Lethality assessment" and "safety planning" shall be as
8 described in the most current Police Officer Domestic Violence
9 Model Policy authored by the International Association of Chiefs
10 of Police, or any comparable standards as determined by the
11 department of the attorney general."

12 SECTION 4. Section 321-234, Hawaii Revised Statutes, is
13 amended to read as follows:

14 **"§321-234 Emergency medical services special fund. (a)**
15 There is established within the state treasury a special fund to
16 be known as the emergency medical services special fund to be
17 administered and expended by the department.

18 (b) The moneys in the special fund shall be used by the
19 department for operating a state comprehensive emergency medical
20 services system including enhanced and expanded services, and
21 shall not be used to supplant funding for emergency medical



1 services authorized prior to [†]July 1, 2004[†-]; provided that
2 a law enforcement agency or emergency medical services agency
3 whose policies, procedures, and training for personnel and
4 supervisors do not formally require lethality assessments and
5 safety planning with victims of domestic violence shall not
6 receive moneys from the special fund pursuant to this section.

7 (c) Fees remitted pursuant to section 249-31, cigarette
8 tax revenues designated under section 245-15, interest and
9 investment earnings attributable to the moneys in the special
10 fund, legislative appropriations, and grants, donations, and
11 contributions from private or public sources for the purposes of
12 the fund, shall be deposited into the special fund.

13 (d) The department shall submit an annual report to the
14 legislature no later than twenty days prior to the convening of
15 each regular session that outlines the receipts of, and
16 expenditures from, the special fund.

17 (e) As used in this section:

18 "Emergency medical services agency" means any government
19 agency, private agency, or company that provides ambulance
20 services or emergency medical services.



1 "Law enforcement agency" means any county police
2 department, the department of public safety, and any state or
3 county public body that employs law enforcement officers.

4 "Lethality assessment" and "safety planning" shall be as
5 described in the most current Police Officer Domestic Violence
6 Model Policy authored by the International Association of Chiefs
7 of Police, or any comparable standards as determined by the
8 department of the attorney general."

9 SECTION 5. It is the intent of this Act not to jeopardize
10 the receipt of any federal aid nor to impair the obligation of
11 the State or any agency thereof to the holders of any bond
12 issued by the State or by any such agency; provided that, only
13 to the extent necessary to effectuate this intent, the governor
14 may modify the provisions of this Act, but shall promptly report
15 any such modification, with reasons for the modification, to the
16 legislature at its next session immediately following the
17 modification.

18 SECTION 6. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



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SECTION 7. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect on July 1, 2020.

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S.B. NO. 2349

Report Title:

Domestic Violence; Law Enforcement; Emergency Medical Services; Personnel; Federal Funds; Emergency Medical Services Special Fund

Description:

Provides that funds received from the federal government for the purpose of addressing domestic violence and moneys from the Emergency Medical Services Special Fund shall not be distributed to a law enforcement agency or emergency medical services agency whose policies, procedures, and training for personnel and supervisors do not formally require lethality assessments and safety planning with victims of domestic violence. Takes effect 7/1/2020.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

