STAND. COM. REP. NO.

Honolulu, Hawaii

APR 0 3 2018

RE: H.B. No. 2133

> H.D. 1 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2018 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2133, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO POLICE DEPARTMENTS,"

begs leave to report as follows:

The purpose and intent of this measure is to specify that citizen complaints against a police officer that involve allegations of domestic abuse by the police officer against a family or household member shall not be required to be filed as a notarized or sworn written statement.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women, Hawai'i State Democratic Women's Caucus, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual.

Your Committee finds that curtailing domestic violence is important for the health, safety, and welfare of citizens and that reporting and taking action against incidents of domestic violence is especially challenging and dangerous when the alleged perpetrator is a law enforcement officer. This measure will decrease the potential risk of retaliation against victims of domestic violence by police officers by allowing an individual to make a complaint against a police officer alleging an act of

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domestic violence against a family or household member without being required to swear to or make the complaint in writing. Your Committee notes concerns expressed by your Committee on Public Safety, Intergovernmental, and Military Affairs that the legislative intent is to apply this measure only to the civil administrative internal investigations within the police department, and additionally finds that the undefined term "citizen complaints" in this measure is unacceptably ambiguous.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the citizen complaints against a police officer involving allegations of domestic abuse by the police officer against a family or household member are citizen administrative complaints; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2133, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2133, H.D. 1, S.D. 1.

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

BRIAN T. TANIGUCHI, Chai

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The Senate Twenty-Ninth Legislature State of Hawai'i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:* Committee Referral: Date:					
HB2133, HD1	1 PSM, JDC 3/29/2018				
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)		V			
RHOADS, Karl (VC)		1			
GABBARD, Mike					
KIM, Donna Mercado		. √ .			
THIELEN, Laura H.		V			
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TOTAL		4	0	0	1
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Committee					