Honolulu, Hawaii

APR - 2 2019

RE: H.B. No. 295

H.D. 1 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 295, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend the definition of domestic abuse under Hawaii's insurance laws and domestic abuse protective order statutes to include emotional abuse between family or household members; and
- (2) Define emotional abuse.

Your Committee received testimony in support of this measure from the LGBT Caucus of the Democratic Party of Hawaii, Domestic Violence Action Center, Hawaii State Coalition Against Domestic Violence, Rainbow Family 808, Hawaii Psychological Association, and three individuals. Your Committee received testimony in opposition to this measure from the Institute for Rational and Evidence-Based Legislation, National Rifle Association, and three individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that domestic violence and abuse includes actions that are not physical. Your Committee further finds that emotional abuse and controlling behavior cause serious harm and that victims of such abuse frequently incur significant treatment expenses. This measure expands domestic abuse to include emotional abuse between family or household members for the purposes of insurance and protective orders.

Your Committee has amended this measure by:

- (1) Removing "regulating the person's everyday behavior" from the definition of "controlling behavior"; and
- (2) Clarifying that a "parent or guardian's legitimate attempt to discipline their child" is excluded from the definition of "emotional abuse".

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. 295, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 295, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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

KARL RHOADS, Chair

2019-2508 SSCR SMA.doc

## The Senate Thirtieth Legislature State of Hawai'i

## Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:* HB 295 HD1	Committee Referral:			Date: 3   14   19	
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
RHOADS, Karl (C)		V/			
WAKAI, Glenn (VC)		V			
GABBARD, Mike		. /			
KIM, Donna Mercado		V			
FEVELLA, Kurt					V
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TOTAL		3		Ø	
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

\*Only one measure per Record of Votes