STAND. COM. REP. NO.

Honolulu, Hawaii

Ebruam 4 , 2019

RE: H.B. No. 491 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 491 entitled:

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

begs leave to report as follows:

The purpose of this measure is to establish a five-year pilot project to strengthen state and county responses to domestic violence and increase offender accountability by:

- (1) Amending the offense of abuse of family or household members to provide for a lesser included petty misdemeanor offense and penalties;
- (2) Permitting persons charged with the misdemeanor or petty misdemeanor offense of abuse of a family or household member to enter a deferred acceptance of guilty plea under certain conditions; and
- (3) Requiring data collection and reporting by county police departments, prosecutors, and the Judiciary on the number of arrests, charges, and convictions relating to domestic violence to determine the effectiveness of the pilot project.

The Honolulu Police Department, Domestic Violence Action Center, and two individuals supported this measure. Hawaii State Coalition Against Domestic Violence and Hawaii Women's Coalition supported the intent of this measure. The Office of the Public Defender and Judiciary submitted comments.

Your Committee has amended this measure by:

- Removing the provision prohibiting the court from (1) deferring acceptance of a plea of nolo contendere by a defendant for the offense of abuse of a family or household member;
- Authorizing, rather than requiring, the court to order (2) the defendant to be immediately incarcerated upon conviction of the offense of abuse of a family or household member;
- Clarifying that the court may amend the defendant's (3) sentence for failure to complete the required domestic violence intervention program or parenting classes, or any other condition of that defendant's sentence;
- (4) Clarifying that the court may accept a deferred guilty or no contest plea from the defendant, subject to certain requirements;
- (5) Repealing this measure 5 years after its effective date;
- (6) Changing its effective date to January 1, 2059, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 491, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 491, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Human Services & Homelessness,

OY A. SAN BUENAVENTURA, Chair

State of Hawaii House of Representatives The THIRTIETH Legislature



Record of Votes of the Committee on Human Services & Homelessness

Bill/Resolution No.:	Committee Referral:		Date:	
HB491	HSH, JUD, FIN		January 30, 2019	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold				
Pass short form bill with HD to recommit for future public hearing (recommit)				
HSH Members	Ayes	Ayes (WR)	Nays	Excused
1. SAN BUENAVENTURA, Joy A.	(C) 🗸			
		THE PERSON		
2. NAKAMURA, Nadine K. (VC)				
3. BELATTI, Della Au			3 3 3 3 3 3	WINK
	THE RESERVE TO			
4. KOBAYASHI, Bertrand				
				RESERVE DE
5. MIZUNO, John M.				
		ER STEEL		WAR AND THE REAL PROPERTY.
6. SAY, Calvin K.Y.	✓			
7. TOKIOKA, James Kunane				V
		DAYOUN BEREIN	REPRESIDENT	26836 June 231
8. WARD, Gene				
233				
				,
marketinsko (**)				
TOTAL (8)	6			2
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: Mellie K. M.				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				