STAND. COM. REP. NO. 134

Honolulu, Hawaii

MAR 15 , 2019

RE: S.B. No. 1047

S.D. 1 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 S.B. No. 1047, S.D. 1, 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) Allowing first-time offenders charged with the misdemeanor or petty misdemeanor offense of abuse of a family or household member to enter a deferred acceptance of guilty, or no contest; 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 Judiciary, Office of the Public Defender, Hawai'i State Commission on the Status of Women, Honolulu Police Department, Domestic Violence Action Center, American Association of University Women of Hawaii, LGBT Caucus of the Democratic Party of Hawai'i, Parents And Children Together, Hawaii State Coalition Against Domestic Violence, Hawaii Women's Coalition, and an individual supported this measure. Department of the Prosecuting Attorney of the City and County of Honolulu supported the intent of this measure. The Department of the Attorney General provided comments.

Your Committee has amended this measure by:

- (1) Clarifying the elements of the petty misdemeanor offense of abuse of family or household members and sentencing provisions;
- (2) Inserting language which requires the court to impose the maximum sentence of incarceration for failure to complete a required domestic violence intervention program or parenting classes, or violation of any other condition of a deferred sentence or probation;
- (3) Clarifying the provisions which allow 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, including by deleting language which may have allowed a defendant to receive a new deferral every five years; and
- (4) 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 S.B. No. 1047, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1047, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary.

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

JOY A. JAN BUENAVENTURA, Chair



## Record of Votes of the Committee on Human Services & Homelessness

Bill/Resolution No.: Committee Referral: Date: SB 1047 SD 1 HSH, JUD, FIN March 13, 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)	<b>✓</b>			
2. NAKAMURA, Nadine K. (VC)				
3. BELATTI, Della Au	<b>✓</b>			
4 VODAVASIU Postroni				
4. KOBAYASHI, Bertrand				
5. MIZUNO, John M.				
6. SAY, Calvin K.Y.			<u></u>	
7. TOKIOKA, James Kunane	<b>/</b>			
8. WARD, Gene	V			
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TOTAL (8)	7			1
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature: Melly K. Muh				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				