STAND. COM. REP. NO. 2329

Honolulu, Hawaii

FEB 0 4 2020

S.B. No. 2304 RE:

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 2304 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 authorize family court judges to withhold any record of a denied temporary restraining order or denied protective order from public inspection, under certain circumstances.

Your Committee received testimony in support of this measure from the Domestic Violence Action Center and three individuals. Your Committee received comments on this measure from the Judiciary and Civil Beat.

Your Committee finds that there is no existing law that protects a victim of domestic abuse who sought protection from their abuser by applying for a temporary restraining order from any retaliatory acts, such as counter-petitions for restraining orders. Your Committee notes that it is not uncommon to find cases where offenders fabricate and file counter-petitions for a restraining order as an act of harassment or retaliation. Your Committee further finds that once a counter-petition is filed, the counter-petition becomes part of the public record for the victim. This can negatively impact domestic abuse victims with respect to potential employment and housing prospects. This measure will add protection for victims of false counter-petitions for a

restraining order by withholding from public inspection any record of a denied restraining order.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2304 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Public Safety, Intergovernmental, and Military Affairs,

CLARENCE K. NISHIHARA, Chair

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The Senate Thirtieth Legislature State of Hawai'i

Record of Votes Committee on Public Safety, Intergovernmental, and Military Affairs PSM

Bill / Resolution No.:*	Committee Referral:		Da	Date:	
SB 2384	PSM,	JDC		1/3/	120
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
NISHIHARA, Clarence K. (C)					
WAKAI, Glenn (VC)					/
BAKER, Rosalyn H.					
HARIMOTO, Breene					
FEVELLA, Kurt					
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TOTAL		4			
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original File with Committee Rep	\ /	s Office Di	Pink rafting Agency		lenrod e File Copy

^{*}Only one measure per Record of Votes