

Honolulu, Hawaii

MAR 13 , 2020

RE: S.B. No. 2638
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Human Services & Homelessness, to which was referred S.B. No. 2638, S.D. 2, 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 a deferred acceptance of guilty plea or no contest plea in cases involving misdemeanor and petty misdemeanor abuse offenses, if certain conditions are met; and
- (3) Requiring the Judiciary to submit annual reports to the Legislature on the number and outcome of abuse of family or household members cases.

Your Committee received testimony in support of this measure from the Judiciary, Hawaii State Coalition Against Domestic



Violence, Domestic Violence Action Center, and three individuals. Your Committee received testimony in opposition to this measure from the Honolulu Police Department. Your Committee received comments on this measure from the Department of the Attorney General, Office of the Public Defender, and Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that this measure allows greater flexibility in the sentencing options regarding abuse of family or household members, while emphasizing accountability of the defendant, safety of the victims, and enhanced protection of children affected by domestic violence.

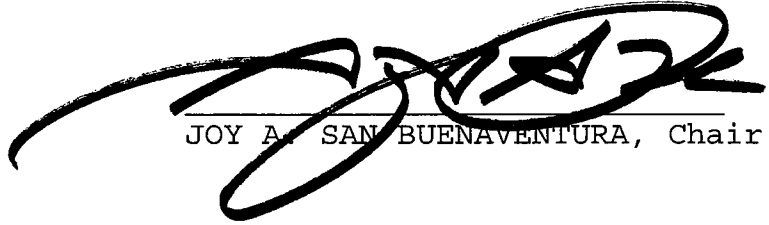
Your Committee has amended this measure by:

- (1) Clarifying the elements of a petty misdemeanor offense of abuse of family or household members to include the exercise of coercive control;
- (2) Enabling a court to set aside a defendant's no contest plea if the defendant fails to meet certain conditions;
- (3) Updating the preamble to clarify that the petty misdemeanor offense of abuse of family or household members is not a lesser included offense within the misdemeanor offense of abuse of family or household members;
- (4) Changing the effective date to December 31, 2059, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of 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. 2638, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2638, S.D. 2, 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,



JOY A. SAN BUENAVENTURA, Chair



