STAND. COM. REP. NO.

Honolulu, Hawaii MAR 04 2021

RE: S.B. No. 829 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 829 entitled:

"A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBERS,"

begs leave to report as follows:

The purpose and intent of this measure is to add coercive control between family or household members to the offense of abuse of family or household members as a petty misdemeanor.

Your Committee received testimony in support of this measure from the Hawai'i State Coalition Against Domestic Violence, Domestic Violence Action Center, Rainbow Family 808, Hawai'i's Early Childhood Action Strategy, AAUW of Hawai'i, Ho'ola Na Pua, and three individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received comments on this measure from the Honolulu Police Department.

Your Committee finds that abuse between family or household members takes many forms and coercive control is often part of the cycle of domestic violence. Your Committee further finds that coercive control is defined under section 586-1, Hawaii Revised Statutes, in part as "a pattern of threatening, humiliating, or intimidating actions, which may include assaults, or other abuse



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that is used to harm, punish, or frighten an individual." Your Committee additionally finds that coercive behaviors often carry a threat of violence or are direct precursors to violence.

Your Committee also finds that Act 19, Regular Session of 2020, established a five-year pilot program to strengthen state and county responses to domestic violence and increase offender accountability. Part of this pilot program was the establishment of a petty misdemeanor offense within abuse of a family or household member. Your Committee further finds that the addition of coercive control as a petty misdemeanor offense should be placed within the pilot program established by Act 19, Regular Session of 2020.

Accordingly, your Committee has amended this measure by:

- (1) Including coercive control as part of the petty misdemeanor offense of abuse of a family or household member to the pilot program established by Act 19, Regular Session of 2020; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 829, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 829, S.D. 1, and be placed on the calendar for Third Reading.

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

1 Carl Mont

KARL RHOADS, Chair



The Senate Thirty-First Legislature State of Hawai'i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:			Date:	
SB 829	JOC			02/24/2021	
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		Ауе	Aye (WR) Nay	Excused
RHOADS, Karl (C)		_ ~			
KEOHOKALOLE, Jarrett (VC)		V			
ACASIO, Laura					
GABBARD, Mike		V			
KIM, Donna Mercado		V			
LEE, Chris		V			
FEVELLA, Kurt		V			
			L		
TOTAL		6	1	0	Ô
Recommendation:					
Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original File with Committee Re	Yellow port Clerk's Office I		Pink Drafting Agen	Goldenrod ency Committee File Copy	

*Only <u>one</u> measure per Record of Votes