



- 1 (1) Being in physical proximity to a protected individual
- 2 or following a protected individual;
- 3 (2) Directly or indirectly contacting or communicating
- 4 with a protected individual or other individual
- 5 described in the order;
- 6 (3) Being within a certain distance of a specified place
- 7 or location associated with a protected individual; or
- 8 (4) Molesting, annoying, harassing, or engaging in
- 9 threatening conduct directed at a protected
- 10 individual.

11 "Domestic protection order" means an injunction or other  
12 order issued by a tribunal that relates to domestic or family  
13 violence laws to prevent an individual from engaging in violent  
14 or threatening acts against, harassment of, direct or indirect  
15 contact or communication with, or being in physical proximity to  
16 another individual.

17 "Issuing court" means the court that issues a Canadian  
18 domestic-violence protection order.

19 "Law enforcement officer" means an individual authorized by  
20 law of this State other than this chapter to enforce a domestic  
21 protection order.



1 "Person" means an individual, estate, business or nonprofit  
2 entity, public corporation, government or governmental  
3 subdivision, agency, or instrumentality, or other legal entity.

4 "Protected individual" means an individual protected by a  
5 Canadian domestic-violence protection order.

6 "Record" means information that is inscribed on a tangible  
7 medium or that is stored in an electronic or other medium and is  
8 retrievable in perceivable form.

9 "Respondent" means an individual against whom a Canadian  
10 domestic-violence protection order is issued.

11 "State" means a state of the United States, the District of  
12 Columbia, Puerto Rico, the United States Virgin Islands, or any  
13 territory or insular possession subject to the jurisdiction of  
14 the United States. The term includes a federally recognized  
15 Indian tribe.

16 "Tribunal" means a court, agency, or other entity  
17 authorized by law of this State other than this chapter to  
18 establish, enforce, or modify a domestic protection order.

19 **§ -3 Enforcement of Canadian domestic-violence**  
20 **protection order by law enforcement officer.** (a) If a law  
21 enforcement officer determines under subsection (b) or (c) that



1 there is probable cause to believe a valid Canadian  
2 domestic-violence protection order exists and the order has been  
3 violated, the officer shall enforce the terms of the Canadian  
4 domestic-violence protection order as if the terms were in an  
5 order of a tribunal. Presentation to a law enforcement officer  
6 of a certified copy of a Canadian domestic-violence protection  
7 order is not required for enforcement.

8 (b) Presentation to a law enforcement officer of a record  
9 of a Canadian domestic-violence protection order that identifies  
10 both a protected individual and a respondent and on its face is  
11 in effect constitutes probable cause to believe that a valid  
12 order exists.

13 (c) If a record of a Canadian domestic-violence protection  
14 order is not presented as provided in subsection (b), a law  
15 enforcement officer may consider other information in  
16 determining whether there is probable cause to believe that a  
17 valid Canadian domestic-violence protection order exists.

18 (d) If a law enforcement officer determines that an  
19 otherwise valid Canadian domestic-violence protection order  
20 cannot be enforced because the respondent has not been notified  
21 of or served with the order, the officer shall notify the



1 protected individual that the officer will make reasonable  
2 efforts to contact the respondent, consistent with the safety of  
3 the protected individual. After notice to the protected  
4 individual and consistent with the safety of the individual, the  
5 officer shall make a reasonable effort to inform the respondent  
6 of the order, notify the respondent of the terms of the order,  
7 provide a record of the order, if available, to the respondent,  
8 and allow the respondent a reasonable opportunity to comply with  
9 the order before the officer enforces the order.

10 (e) If a law enforcement officer determines that an  
11 individual is a protected individual, the officer shall inform  
12 the individual of available local victim services.

13 **§ -4 Enforcement of Canadian domestic-violence**

14 **protection order by tribunal.** (a) A tribunal may issue an  
15 order enforcing or refusing to enforce a Canadian  
16 domestic-violence protection order on application of:

- 17 (1) A person authorized by law of this State other than  
18 this chapter to seek enforcement of a  
19 domestic-protection order; or  
20 (2) A respondent.



1 (b) In a proceeding under subsection (a), the tribunal  
2 shall follow the procedures of this State for enforcement of a  
3 domestic protection order. An order entered under this section  
4 is limited to the enforcement of the terms of the Canadian  
5 domestic-violence protection order.

6 (c) A Canadian domestic-violence protection order is  
7 enforceable under this section if:

8 (1) The order identifies a protected individual and a  
9 respondent;

10 (2) The order is valid and in effect;

11 (3) The issuing court had jurisdiction over the parties  
12 and the subject matter under law applicable in the  
13 issuing court; and

14 (4) The order was issued after:

15 (A) The respondent was given reasonable notice and  
16 had an opportunity to be heard before the court  
17 issued the order; or

18 (B) In the case of an ex parte order, the respondent  
19 was given reasonable notice and had or will have  
20 an opportunity to be heard within a reasonable  
21 time after the order was issued, in a manner



1 consistent with the right of the respondent to  
2 due process.

3 (d) A Canadian domestic-violence protection order valid on  
4 its face is prima facie evidence of its enforceability under  
5 this section.

6 (e) A claim that a Canadian domestic-violence protection  
7 order does not comply with subsection (c) is an affirmative  
8 defense in a proceeding seeking enforcement of the order. If  
9 the tribunal determines that the order is not enforceable, the  
10 tribunal shall issue an order that the Canadian  
11 domestic-violence protection order is not enforceable under this  
12 section and section -3 and may not be registered under  
13 section -5.

14 (f) A person who violates a valid Canadian order for  
15 protection is subject to the penalties provided in section 586-  
16 26.

17 § -5 Registration of Canadian domestic-violence  
18 protection order. (a) An individual may register a Canadian  
19 domestic-violence protection order in a Hawaii state court. To  
20 register the order, the individual shall present a certified  
21 copy of the Canadian domestic-violence protection order,



1 accompanied by a sworn affidavit that the order remains in  
2 effect and has not been vacated or modified. No filing fee  
3 shall be required for registration of the order.

4 (b) Registration in this State or filing of a Canadian  
5 domestic-violence protection order with Hawaii state courts  
6 shall not be required for enforcement of a Canadian  
7 domestic-violence protection order in this State.

8 § -6 **Immunity.** The State, state agency, local  
9 governmental agency, law enforcement officer, prosecuting  
10 attorney, clerk of court, and state or local governmental  
11 official acting in an official capacity shall be immune from  
12 civil and criminal liability for an act or omission arising out  
13 of the registration or enforcement of a Canadian  
14 domestic-violence protection order or the detention or arrest of  
15 an alleged violator of a Canadian domestic-violence protection  
16 order if the act or omission was a good faith effort to comply  
17 with this chapter.

18 § -7 **Other remedies.** An individual who seeks a remedy  
19 under this chapter may seek other legal or equitable remedies.

20 § -8 **Uniformity of application and construction.** In  
21 applying and construing this uniform Act, consideration shall be



1 given to the need to promote uniformity of the law with respect  
2 to its subject matter among states that enact it.

3       § -9 **Relation to Electronic Signatures in Global and**  
4 **National Commerce Act.** This chapter modifies, limits, or  
5 supersedes the Electronic Signatures in Global and National  
6 Commerce Act, 15 United States Code section 7001 et seq., but  
7 does not:

- 8       (1) Modify, limit, or supersede section 101(c) of that  
9           Act, 15 United States Code section 7001(c); or  
10       (2) Authorize electronic delivery of any of the notices  
11           described in section 103(b) of that Act, 15 United  
12           States Code section 7003(b).

13       § -10 **Transition.** This chapter shall apply to a  
14 Canadian domestic-violence protection order issued before, on,  
15 or after the effective date of this chapter and to a continuing  
16 action for enforcement of a Canadian domestic-violence  
17 protection order commenced before, on, or after the effective  
18 date of this chapter. A request for enforcement of a Canadian  
19 domestic-violence protection order made on or after the  
20 effective date of this chapter for a violation of the order



1 occurring before, on, or after the effective date of this  
2 chapter shall be governed by this chapter."

3 SECTION 2. Section 586-21, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[+]§586-21[+] **Foreign protective orders.** Any valid  
6 protective order, as defined in 18 U.S.C. §2266, issued by a  
7 court or tribunal of another state, tribe, or territory of the  
8 United States, or issued by a court or tribunal of Canada and  
9 recognized under chapter \_\_\_\_\_, shall be accorded full faith and  
10 credit by the courts of this State and shall be enforced as if  
11 it were an order issued in this State."

12 SECTION 3. If any provision of this Act, or the  
13 application thereof to any person or circumstance, is held  
14 invalid, the invalidity does not affect other provisions or  
15 applications of the Act that can be given effect without the  
16 invalid provision or application, and to this end the provisions  
17 of this Act are severable.

18 SECTION 4. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20 SECTION 5. This Act shall take effect on January 1, 2023.

21



**Report Title:**

Women's Legislative Caucus; Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act

**Description:**

Enacts the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act. Effective 1/1/2023. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

