
A BILL FOR AN ACT

RELATING TO SENTENCING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Since the 1990s, the legislature, as a matter
2 of public policy, has made a concerted effort to reduce and
3 prevent domestic violence in the State. One of these efforts
4 was an amendment to section 586-4, Hawaii Revised Statutes, to
5 authorize a family court to order a violator of the court's
6 temporary restraining order to undergo mandatory domestic
7 violence intervention. The statute also provides that the
8 family court may impose additional sanctions applicable to a
9 misdemeanor sentence.

10 The legislature believes that in the Hawaii supreme court's
11 decision in *State v. Agdinaoay*, 150 Hawaii 223 (2021), the
12 majority erred when it misinterpreted section 586-4(e), Hawaii
13 Revised Statutes, and held that domestic violence intervention
14 may only be ordered as a condition of probation.

15 Accordingly, the purpose of this Act is to clarify that a
16 family court must impose a sentence for domestic violence
17 intervention, with or without probation, for violations of



1 restraining orders, orders for protection, and abuse of family
2 or household members.

3 SECTION 2. Chapter 580, Hawaii Revised Statutes, is
4 amended by adding a new section to part I to be appropriately
5 designated and to read as follows:

6 "§580- Domestic violence intervention. Notwithstanding
7 chapter 706 or any other law to the contrary, any sentence for
8 domestic violence intervention specified by section 580-10 shall
9 be imposed by the court, with or without probation."

10 SECTION 3. Chapter 586, Hawaii Revised Statutes, is
11 amended by adding a new section to part I to be appropriately
12 designated and to read as follows:

13 "§586- Domestic violence intervention. Notwithstanding
14 chapter 706 or any other law to the contrary, any sentence for
15 domestic violence intervention specified by section 586-4 or
16 section 586-11 shall be imposed by the court, with or without
17 probation."

18 SECTION 4. Chapter 709, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



1 "§709- Domestic violence intervention. Notwithstanding
2 chapter 706 or any other law to the contrary, any sentence for
3 domestic violence intervention specified by section 709-906
4 shall be imposed by the court, with or without probation."

5 SECTION 5. Section 701-102, Hawaii Revised Statutes, is
6 amended by amending subsection (3) to read as follows:

7 "(3) The provisions of chapters 701 through 706 of the
8 Code are applicable to offenses defined by other statutes,
9 unless [~~the Code~~] otherwise [~~provides.~~] provided by applicable
10 law."

11 SECTION 6. Section 706-600, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§706-600 Sentence in accordance with this chapter~~[.—No]~~;
14 other applicable law. A sentence shall be imposed [~~otherwise~~
15 ~~than~~] in accordance with this chapter~~[.]~~, unless otherwise
16 provided by applicable law."

17 SECTION 7. Section 706-605, Hawaii Revised Statutes, is
18 amended by amending subsection (1) to read as follows:

19 "(1) Except as provided in parts II and IV or in section
20 706-647 and subsections (2), (6), and (7), and subject to the
21 applicable provisions of this Code, the court may sentence a



1 convicted defendant to one or more of the following
2 dispositions:

3 (a) To be placed on probation as authorized by part II;

4 (b) To pay a fine as authorized by part III and section
5 706-624;

6 (c) To be imprisoned for a term as authorized by part IV;
7 [~~or~~]

8 (d) To perform services for the community under the
9 supervision of a governmental agency or benevolent or
10 charitable organization or other community service
11 group or appropriate supervisor; provided that the
12 convicted person who performs [~~such~~] these services
13 shall not be deemed to be an employee of the
14 governmental agency or assigned work site for any
15 purpose. All persons sentenced to perform community
16 service shall be screened and assessed for appropriate
17 placement by a governmental agency coordinating public
18 service work placement as a condition of sentence[~~-~~];
19 or



1 (e) To undergo domestic violence programs pursuant to
2 chapter 580, 586, or 709 or other applicable law, with
3 or without probation."

4 SECTION 8. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 9. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 10. This Act shall take effect upon its approval.



Report Title:

Crime; Sentences; Domestic Violence Intervention

Description:

Clarifies that sentences for domestic violence intervention for abuse-related offenses shall be imposed, with or without probation. (SD1)

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

