

JAN 22 2021

A BILL FOR AN ACT

RELATING TO TEMPORARY RESTRAINING ORDERS.

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

1 SECTION 1. Section 604-10.5, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) For the purposes of this section:

5 "Course of conduct" means a pattern of conduct composed of
6 a series of acts over any period of time evidencing a continuity
7 of purpose.

8 "Harassment" means:

9 (1) Physical harm, bodily injury, assault, or the threat
10 of imminent physical harm, bodily injury, or assault;

11 or

12 (2) An intentional or knowing course of conduct directed
13 at an individual that seriously alarms or disturbs
14 consistently or continually bothers the individual and
15 serves no legitimate purpose; provided that such
16 course of conduct would cause a reasonable person to
17 suffer emotional distress.



1 "Stay-at-home or safer-at-home order or advisory" means a
2 mandate or recommendation issued by the governor or a mayor that
3 prohibits persons from leaving their residence during an
4 emergency period."

5 2. By amending subsection (i) to read:

6 "(i) A knowing or intentional violation of a restraining
7 order or injunction issued pursuant to this section is a
8 misdemeanor. The court shall sentence a violator to appropriate
9 counseling and shall sentence a person convicted under this
10 section as follows:

11 (1) For a violation of an injunction or restraining order
12 that occurs after a conviction for a violation of the
13 same injunction or restraining order, the person shall
14 be sentenced to a mandatory minimum jail sentence of
15 not less than forty-eight hours; ~~and~~ provided that
16 for any violation of an injunction or restraining
17 order that occurs after a conviction for a violation
18 of the same injunction or restraining order and that
19 occurs during a stay-at-home or safer-at-home order or
20 advisory declared pursuant to chapter 127A, the person
21 shall be sentenced to a mandatory minimum jail



1 sentence of no less than thirty days and a fine of no
2 less than \$5,000; and

3 (2) For any subsequent violation that occurs after a
4 second conviction for violation of the same injunction
5 or restraining order, the person shall be sentenced to
6 a mandatory minimum jail sentence of not less than
7 thirty days.

8 The court may suspend any jail sentence, except for the
9 mandatory sentences under paragraphs (1) and (2), upon
10 appropriate conditions, such as that the defendant remain
11 alcohol- and drug-free, conviction-free, or complete court-
12 ordered assessments or counseling. The court may suspend the
13 mandatory sentences under paragraphs (1) and (2) where the
14 violation of the injunction or restraining order does not
15 involve violence or the threat of violence. Nothing in this
16 section shall be construed as limiting the discretion of the
17 judge to impose additional sanctions authorized in sentencing
18 for a misdemeanor offense."

19 SECTION 2. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



S.B. NO. 638

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

4

INTRODUCED BY: 



S.B. NO. 638

Report Title:

Temporary Restraining Orders; Repeat Offenders; Stay at Home Orders

Description:

Increases the penalties for repeat TRO offenders who violate the TRO during a stay-at-home or safer-at-home order or advisory issued by the Governor or a Mayor.

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

