

STAND. COM. REP. NO.

814

Honolulu, Hawaii

MAR 02 , 2023

RE: H.B. No. 352  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 352 entitled:

"A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS,"

begs leave to report as follows:

The purpose of this measure is to allow petitioners to attend temporary restraining order hearings remotely when domestic violence or intimate partner violence is alleged or the petitioner has been diagnosed with post-traumatic stress disorder.

Your Committee received testimony in support of this measure from the Hawai'i State Coalition Against Domestic Violence, Hawai'i Women Lawyers, Domestic Violence Action Center, and two individuals. Your Committee received comments on this measure from the Judiciary and one individual.

Your Committee finds that this measure will promote greater safety, economic justice, and equitable access to the courts for victims of domestic abuse.

Your Committee has amended this measure by:

- (1) Authorizing the family courts to allow petitioners to attend temporary restraining order hearings remotely upon request;

2023-1896 HB352 HD1 HSCR HMSO

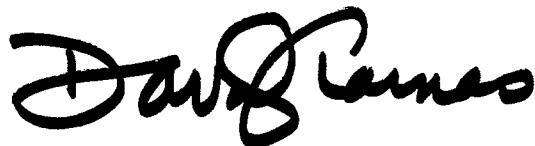


- (2) Requiring the family courts to consider certain factors such as the petitioner's lack of transportation, child care, and paid time off as well as the petitioner's fear of respondent's presence in determining whether to allow the remote attendance;
- (3) Clarifying that the family court must allow the petitioner to attend the hearing remotely if the petitioner's allegations include at least one allegation of domestic abuse;
- (4) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that there may need to be determinations and clarification on how evidence should be presented by petitioners pursuant to this measure.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 352, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 352, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



State of Hawaii  
House of Representatives  
The Thirty-second Legislature

HSCR 814

**Record of Votes of the Committee on Judiciary & Hawaiian Affairs**

Bill/Resolution No.: <b>HB 352</b>	Committee Referral: <b>JHA</b>	Date: <b>2/17/2023</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	/			
2. TAKAYAMA, Gregg (VC)	/			
3. GANADEN, Sonny	/			
4. HOLT, Daniel	/			
5. HASHIMOTO, Troy N.	/			
6. ICHIYAMA, Linda	/			
7. ILAGAN, Greggor	/			
8. KONG, Sam Satoru				✓
9. MIZUNO, John M.	/			
10. SOUZA, Kanani	/			
<b>TOTAL (10)</b>	<b>9</b>	-	-	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				