

Honolulu, Hawaii

MAR 22

, 2024

RE: S.B. No. 2685
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 2685, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ABUSIVE LITIGATION,"

begs leave to report as follows:

The purpose of this measure is to establish judicial procedures to prevent and remedy abusive litigation.

Your Committee received testimony in support of this measure from Hawai'i State Coalition Against Domestic Violence; Hawai'i Children's Action Network Speaks!; Parents And Children Together; Domestic Violence Action Center; and seven individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that individuals who commit violence against, or otherwise abuse, their intimate partners may also use the judicial system to continue the abuse after the relationship has ended by using court proceedings to control, harass, intimidate, coerce, or impoverish the former intimate partner. Your Committee further finds that even if a lawsuit is meritless, forcing an abuse survivor to expend time, money, and emotional resources responding to the action provides a means for the abuser to assert power and control over the survivor. This measure is



intended to establish judicial procedures to limit or prevent the use of litigation by an abuser to further victimize a survivor.

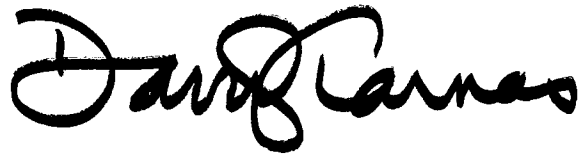
Your Committee has amended this measure by:

- (1) Amending the definition of "abusive litigation" to comport with a defendant's right of due process by amending circumstances and case to be only those in which there would be a finding by a court that a party has committed intimate partner violence against another;
- (2) Amending the crimes pursuant to which a court may find that a party has committed intimate partner violence against another to include the offense of aggravated harassment by stalking, rather than the offense of harassment;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion;
- (4) Inserting a delayed effective date of January 1, 2026, for the judicial procedures to prevent and remedy abusive litigation; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 S.B. No. 2685, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2685, S.D. 1, H.D. 1, and be referred to your Committee on Finance.



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



DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: <i>SB 2685, SD1</i>	Committee Referral: <i>JHA, FIN</i>	Date: <i>3-20-24</i>		
<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)	<i>/</i>			
2. TAKAYAMA, Gregg (VC)	<i>✓</i>			
3. EVSLIN, Luke A.	<i>/</i>			
4. GANADEN, Sonny		<i>✓</i>		
5. HOLT, Daniel				<i>/</i>
6. ICHIYAMA, Linda	<i>/</i>			
7. ILAGAN, Greggor	<i>/</i>			
8. KONG, Sam Satoru	<i>/</i>			
9. MIYAKE, Tyson K.	<i>/</i>			
10. SOUZA, Kanani				<i>/</i>
TOTAL (10)	<i>7</i>	<i>1</i>	<i>-</i>	<i>2</i>
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: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <i>Gregg Takayama</i>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				