
A BILL FOR AN ACT

RELATING TO ORDERS FOR PROTECTION.

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

1 SECTION 1. Section 586-11, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Whenever an order for protection is granted pursuant
4 to this chapter, a respondent or person to be restrained who
5 knowingly or intentionally violates the order for protection
6 shall be guilty of a misdemeanor. A person convicted under this
7 section shall be ordered by the court to complete an assessment
8 at any available domestic violence program and shall complete a
9 domestic violence intervention or anger management course as
10 determined by the domestic violence program. The court
11 additionally shall sentence a person convicted under this
12 section as follows:

13 (1) For a first conviction for violation of the order for
14 protection[+]

15 ~~(A) That is in the nature of non domestic abuse, the~~
16 ~~person may be sentenced to a jail sentence of~~



1 ~~forty eight hours and be fined no more than \$150,~~

2 ~~or~~

3 ~~(B) That is in the nature of domestic abuse, the~~
4 ~~person shall be sentenced to a mandatory minimum~~

5 ~~jail sentence of no less than forty eight hours~~

6 ~~and be fined no less than \$150 nor more than~~

7 ~~\$500,], the person shall be sentenced to a~~

8 ~~mandatory minimum jail sentence of forty-eight~~

9 ~~hours and be fined no more than \$150;~~

10 (2) For a second conviction for violation of the order for
11 protection[+

12 ~~(A) That is in the nature of non domestic abuse, and~~
13 ~~occurs after a first conviction for violation of~~

14 ~~the same order that was in the nature of non-~~

15 ~~domestic abuse, the person shall be sentenced to~~

16 ~~a mandatory minimum jail sentence of no less than~~

17 ~~forty eight hours and be fined no more than \$250,~~

18 ~~(B) That is in the nature of domestic abuse, and~~

19 ~~occurs after a first conviction for violation of~~

20 ~~the same order that was in the nature of domestic~~

21 ~~abuse, the person shall be sentenced to a~~



1 ~~mandatory minimum jail sentence of no less than~~
2 ~~thirty days and be fined no less than \$250 nor~~
3 ~~more than \$1,000;~~

4 ~~(C) That is in the nature of non-domestic abuse, and~~
5 ~~occurs after a first conviction for violation of~~
6 ~~the same order that was in the nature of domestic~~
7 ~~abuse, the person shall be sentenced to a~~
8 ~~mandatory minimum jail sentence of no less than~~
9 ~~forty eight hours and be fined no more than \$250;~~
10 ~~or~~

11 ~~(D) That is in the nature of domestic abuse, and~~
12 ~~occurs after a first conviction for violation of~~
13 ~~the same order that is in the nature of non-~~
14 ~~domestic abuse, the person shall be sentenced to~~
15 ~~a mandatory minimum jail sentence of no less than~~
16 ~~forty eight hours and be fined no more than \$150;~~
17 ~~and], the person shall be sentenced to a~~
18 ~~mandatory minimum jail sentence of no less than~~
19 ~~thirty days and be fined no more than \$250; and~~

20 (3) For any subsequent violation that occurs after a
21 second conviction for violation of the same order for

1 protection, the person shall be sentenced to a
2 mandatory minimum jail sentence of not less than
3 ~~[thirty]~~ forty-five days and be fined not less than
4 \$250 nor more than \$1,000;

5 provided that the court shall not sentence a defendant to pay a
6 fine unless the defendant is or will be able to pay the fine.

7 Upon conviction and sentencing of the defendant, the court
8 shall order that the defendant immediately be incarcerated to
9 serve the mandatory minimum sentence imposed; provided that the
10 defendant may be admitted to bail pending appeal pursuant to
11 chapter 804. The court may stay the imposition of the sentence
12 if special circumstances exist.

13 ~~[The court may suspend any jail sentence under~~
14 ~~subparagraphs (1) (A) and (2) (C), upon condition that the~~
15 ~~defendant remain alcohol and drug free, conviction free, or~~
16 ~~complete court ordered assessments or intervention.]~~ Nothing in
17 this section shall be construed as limiting the discretion of
18 the judge to impose additional sanctions authorized in
19 sentencing for a misdemeanor offense. All remedies for the
20 enforcement of judgments shall apply to this chapter."



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

4 SECTION 3. If any provision of this Act, or the
5 application thereof to any person or circumstance, is held
6 invalid, the invalidity does not affect other provisions or
7 applications of the Act that can be given effect without the
8 invalid provision or application, and to this end the provisions
9 of this Act are severable.

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.

13

INTRODUCED BY: *Mark K. Mah*
By Request

JAN 16 2025



H.B. NO. 383

Report Title:

Honolulu Prosecuting Attorney Package; Criminal Offenses;
Sentencing; Violation of Order for Protection

Description:

Reinstates mandatory minimum jail sentences for successive violations of the same order for protection. Removes the distinction between domestic and non-domestic violations of an order for protection. Eliminates the court's ability to suspend mandatory minimum sentences.

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

