
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~~



~~forty-eight hours and be fined no more than \$150;~~

~~or~~

~~(B) That is in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of no less than forty-eight hours and be fined no less than \$150 nor more than \$500;], the person shall be sentenced to a mandatory minimum jail sentence of forty-eight hours and be fined no more than \$150; provided that a conviction of a temporary restraining order under section 586-4(e), issued under the same judicial case number as the order for protection, shall be treated as a second or subsequent violation of an order for protection;~~

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

~~(A) That is in the nature of non-domestic abuse, and occurs after a first conviction for violation of the same order that was in the nature of non-domestic abuse, the person shall be sentenced to~~



1 ~~a mandatory minimum jail sentence of no less than~~
2 ~~forty-eight hours and be fined no more than \$250;~~
3 ~~(B) That is in the nature of domestic abuse, and~~
4 ~~occurs after a first conviction for violation of~~
5 ~~the same order that was in the nature of domestic~~
6 ~~abuse, the person shall be sentenced to a~~
7 ~~mandatory minimum jail sentence of no less than~~
8 ~~thirty days and be fined no less than \$250 nor~~
9 ~~more than \$1,000;~~
10 ~~(C) That is in the nature of non-domestic abuse, and~~
11 ~~occurs after a first conviction for violation of~~
12 ~~the same order that was in the nature of domestic~~
13 ~~abuse, the person shall be sentenced to a~~
14 ~~mandatory minimum jail sentence of no less than~~
15 ~~forty-eight hours and be fined no more than \$250;~~
16 ~~or~~
17 ~~(D) That is in the nature of domestic abuse, and~~
18 ~~occurs after a first conviction for violation of~~
19 ~~the same order that is in the nature of non-~~
20 ~~domestic abuse, the person shall be sentenced to~~
21 ~~a mandatory minimum jail sentence of no less than~~



1 ~~forty-eight hours and be fined no more than \$150;~~
2 ~~and~~, the person shall be sentenced to a
3 mandatory minimum jail sentence of no less than
4 thirty days and be fined no more than \$250; and

5 (3) For any subsequent violation that occurs after a
6 second conviction for violation of the same order for
7 protection, the person shall be sentenced to a
8 mandatory minimum jail sentence of ~~[not]~~ no less than
9 ~~[thirty]~~ forty-five days and be fined ~~[not]~~ no less
10 than \$250 ~~[not]~~ but no more than \$1,000;

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

13 Upon conviction and sentencing of the defendant, the court
14 shall order that the defendant immediately be incarcerated to
15 serve the mandatory minimum sentence imposed; provided that the
16 defendant may be admitted to bail pending appeal pursuant to
17 chapter 804. The court may stay the imposition of the sentence
18 if special circumstances exist.

19 The court may suspend any jail sentence under subparagraphs
20 (1) (A) and (2) (C), upon condition that the defendant remain
21 alcohol- and drug-free, conviction-free, or complete court-



1 ordered assessments or intervention. Nothing in this section
2 shall be construed as limiting the discretion of the judge to
3 impose additional sanctions authorized in sentencing for a
4 misdemeanor offense. All remedies for the enforcement of
5 judgments shall apply to this chapter."

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

9 SECTION 3. If any provision of this Act, or the
10 application thereof to any person or circumstance, is held
11 invalid, the invalidity does not affect other provisions or
12 applications of the Act that can be given effect without the
13 invalid provision or application, and to this end the provisions
14 of this Act are severable.

15 SECTION 4. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 5. This Act shall take effect on July 1, 3000.



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. Effective 7/1/3000. (HD1)

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

