

JAN 17 2025

A BILL FOR AN ACT

RELATING TO DOMESTIC ABUSE PROTECTIVE ORDERS.

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

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

"(a) Whenever an order for protection is granted pursuant to this chapter, a respondent or person to be restrained who knowingly or intentionally violates the order for protection shall be guilty of a misdemeanor[-] for a first conviction and a class C felony for a second or subsequent conviction. A person convicted under this section shall be ordered by the court to complete an assessment at any available domestic violence program and shall complete a domestic violence intervention or anger management course as determined by the domestic violence program. The court additionally shall sentence a person convicted under this section as follows:

(1) For a first conviction for violation of the order for protection:

(A) That is in the nature of non-domestic abuse, the 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;

8 (2) For a second conviction for violation of the order for
9 protection:

10 (A) 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 non-
13 domestic abuse, the person shall be sentenced to
14 a mandatory minimum jail sentence of no less than
15 ~~[forty-eight hours]~~ thirty days and be fined no
16 more than \$250;

17 (B) That is in the nature of domestic abuse, and
18 occurs after a first conviction for violation of
19 the same order that was in the nature of domestic
20 abuse, the person shall be sentenced to a
21 mandatory minimum jail sentence of no less than



1 ~~[thirty]~~ sixty days and be fined no less than
2 \$250 nor more than \$1,000;

3 (C) That is in the nature of non-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 ~~[forty-eight hours]~~ thirty days and be fined no
9 more than \$250; or

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

17 (3) For any subsequent violation that occurs after a
18 second conviction for violation of the same order for
19 protection, the person shall be sentenced to a
20 mandatory minimum jail sentence of ~~[not]~~ no less than



1 ~~[thirty]~~ ninety days and be fined ~~[not]~~ no less than
2 ~~[\$250]~~ \$500 nor more than ~~[\$1,000;]~~ \$2,000;

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

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

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



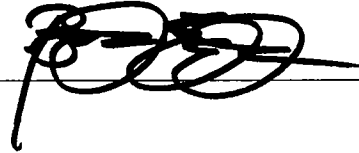
1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

7

INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be "R. B. B.", is written over a horizontal line.

S.B. NO. 477

Report Title:

Domestic Abuse Protective Orders; Repeat Offenders; Penalties

Description:

Makes a second or subsequent conviction for violation of a domestic abuse protective order a class C felony. Increases the sentencing requirements for second or subsequent convictions.

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

