

STAND. COM. REP. NO.

3171

Honolulu, Hawaii

MAR 25 2026

RE: H.B. No. 1959
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committee on Health and Human Services, to which was referred H.B. No. 1959, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Temporarily specify that a court may grant a deferred acceptance of guilty (DAG) plea only for petty misdemeanor offenses, rather than for misdemeanor and petty misdemeanor offenses; and
- (2) Extend for five years certain provisions from Act 19, Session Laws of Hawaii 2020 (Act 19), and Act 238, Session Laws of Hawaii 2021 (Act 238), relating to abuse of family or household members, including:
 - (A) Establishing a petty misdemeanor offense of abuse of family or household members;
 - (B) Clarifying penalties for violations; and
 - (C) Allowing a DAG plea for petty misdemeanor abuse of family or household members offenses.



Your Committee received testimony in support of this measure from the State Commission on the Status of Women, Office of the Prosecuting Attorney of Hawaii County, Office of the Prosecuting Attorney of Kauai County, Department of the Prosecuting Attorney of Maui County, and Hawai'i State Coalition Against Domestic Violence.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee received comments on this measure from the Crime Victim Compensation Commission.

Your Committee finds that Act 19 established a five-year pilot project to strengthen state and county responses to domestic violence and increase offender accountability, including by establishing a petty misdemeanor offense of abuse of family or household members and allowing a DAG plea for misdemeanor and petty misdemeanor abuse of family or household members offenses, and that Act 238 added coercive control between family or household members to the pilot project. The pilot project is set to sunset on June 30, 2026; however, your Committee finds that continued implementation is necessary to collect sufficient data and ensure thoughtful policy evaluation before any permanent decisions are made. This measure addresses the ongoing challenge of domestic violence by extending legal provisions that directly affect victim protection and recourse available to both survivors and offenders of abuse, with the goal of reducing recidivism and increasing stability for families affected by domestic violence.

Your Committee notes the concern raised in testimony by the Office of the Public Defender, Office of the Prosecuting Attorney of the County of Hawaii, and Office of the Prosecuting Attorney of the County of Kauai that the repeal of the court's authority to grant a DAG plea for misdemeanor offenses of abuse of a family or household member under the pilot project would undermine a key mechanism for resolving cases, supporting first-time offender rehabilitation, encouraging victim cooperation, and maintaining efficient case processing, and limit the State's ability to gather meaningful data from the pilot project. Your Committee agrees and finds that availability of a DAG plea is necessary for individuals who commit misdemeanor offenses of abuse of a family or household member and are willing to engage in rehabilitation while



maintaining employment and housing stability. Therefore, amendments to this measure are necessary to address this concern.

Your Committee has amended this measure by:

- (1) Deleting section 1 of the measure, thereby restoring language in existing law under the pilot project that authorizes a court to grant a deferred acceptance of guilty plea for petty misdemeanor and misdemeanor offenses, rather than for only petty misdemeanor offenses;
- (2) Inserting an effective date of January 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health and Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1959, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1959, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Health and Human
Services,



JOY A. SAN BUENAVENTURA, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Health and Human Services
HHS

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1959 HD2	HHS, JDC	3/18/2024		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
MCKELVEY, Angus L.K. (VC)	✓			
KANUHA, Dru Mamo	✓			
KEOHOKALOLE, Jarrett	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

*Only one measure per Record of Votes