



*The Judiciary, State of Hawai'i*  
*Ka 'Oihana Ho'okolokolo, Moku'āina 'o Hawai'i*

**Testimony to the Thirty-Third State Legislature, 2026 Regular Session**

**Senate Committee on Judiciary**  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

Tuesday, April 7, 2026, 10:15 a.m.  
Hawai'i State Capitol, Conference Room 016

By

Dyan M. Medeiros  
Senior Judge, Deputy Chief Judge  
Luna Kānāwai 'Ohana Nui  
Family Court of the First Circuit  
'Aha Ho'okolokolo 'Ohana o ke Ka'apuni 'Ekahi

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** House Bill No. 1959, H.D. 2, S.D. 1, Relating to Domestic Violence.

**Purpose:** Extends for five years certain provisions from Act 19, SLH 2020, and Act 238, SLH 2021, relating to abuse of family or household members, including establishing a petty misdemeanor offense of abuse of family or household members, clarifying penalties for violations, and allowing a deferred acceptance of guilty plea for misdemeanor and petty misdemeanor abuse of family or household members offenses. Requires reports to the Legislature. Effective 1/1/2050. (SD1)

**Judiciary's Position:**

The Judiciary takes no position on House Bill No. 1959, H.D. 2, S.D. 1 but offers the following suggested amendments regarding the annual report dates:

Page 2, Lines 12-16:



House Bill No. 1959, H.D. 2, S.D. 1, Relating to Domestic Violence.  
Senate Committee on Judiciary  
Tuesday, April 7, 2026 at 10:15 a.m.  
Page 2

SECTION 4. (a) The judiciary shall submit a report regarding cases filed with the judiciary involving offenses under section 709-906, Hawaii Revised Statutes, to the legislature no later than December 1 of ~~2026~~, 2027, 2028, 2029, and 2030.

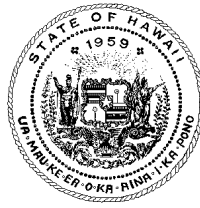
Page 4, Lines 3-4:

(b) The report due on December 1, ~~2026~~<sup>7</sup>, shall only include data starting from ~~the effective date of this Act~~ July 1, 2026.

The Judiciary offers these proposed amendments so that data is collected and reported on a fiscal year basis, as opposed to starting on the effective date of the bill. Given that the Judiciary is proposing that data be reported out on a fiscal year basis—as was the case with the original Act 19 data reports—the Judiciary respectfully requests that the first annual report under this measure be due no later than December 1, 2027. This amendment will enable the Judiciary’s first report to include data for a full fiscal year (i.e., FY 2027). This reporting cadence is consistent with Act 19, which was signed into law in September 2020 with an effective date in January 2021, and the Judiciary’s first report (using FY 2021 data) submitted December 2021.

Thank you for the opportunity to testify on this matter.

**JOSH GREEN, M.D.**  
GOVERNOR  
KE KIA'ĀINA



STATE OF HAWAII – Ka MOKU'ĀINA 'O HAWAI'I  
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**MARI McCAIG BELLINGER**  
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**JO KAMAE BYRNE**  
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Executive Director

TESTIMONY ON HOUSE BILL 1959, HD2, SD1  
RELATING TO DOMESTIC VIOLENCE

by

Pamela Ferguson-Brey, Executive Director  
Crime Victim Compensation Commission

Senate Committee on Judiciary  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

Tuesday, April 7, 2026; 10:15 AM  
State Capitol, Conference Room 016 & Videoconference

Good morning, Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the following comments on House Bill 1959, HD2, SD1. This bill extends the domestic violence project established by Act 19, SLH 2020, and Act 238, SLH 2021. There is insufficient data for policymakers to determine whether the pilot project has met its goals. Additionally, the deferred plea provisions undermine both victim and community safety and offender rehabilitation.

The Commission provides compensation for violent crime victims to pay un-reimbursed expenses for crime-related losses due to physical or mental injury or death. Many victims of violent crime could not afford to pay their medical bills, receive needed mental health or rehabilitative services, or bury a loved one if compensation were not available from the Commission. The Commission collaborates with victim advocates and victim service providers in supporting victim-centered policy and legislation.

The Commission supports the removal of the provisions allowing deferred pleas. Erasing an offender's criminal history of domestic abuse hinders the ability to accurately evaluate an offender's prior history in the event of subsequent offenses. Additionally, the lack of a formal conviction creates barriers to comprehensive mental health and risk assessments as evaluators rely on documented histories to determine appropriate interventions, treatment needs, and risk to both victim and community safety.

Thank you for allowing the Commission to provide comments on House Bill 1959, HD2, SD1.

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April 7, 2026

Testimony of the Office of the Public Defender,  
State of Hawaii to the Senate Committee on Judiciary

**H.B. 1959, HD 2, SD 1: RELATING TO DOMESTIC VIOLENCE**

Chair Rhoads, Vice-Chair Gabbard, and Members of the Committee:

The Office of the Public Defender **strongly supports** H.B. 1959, HD 2, SD1:

The Office of the Public Defender strongly **supports** the extension of the Pilot Program relating to Abuse of Family or Household Members in the original draft. The original draft included misdemeanors in Pilot Program. Since the start of the Pilot Program, the laws relating to Abuse of Family or Household Members have changed, most notably was the establishment of the petty misdemeanor offense of Abuse of a Family or Household Member. We support extending the Pilot Program so that we can collect better and more extensive data to better understand domestic violence, treatment options for offenders, improvements in safety measures for victims, and to make better informed decisions on what changes, if any, are needed to address these issues.

The Office of the Public Defender strongly **objected** to the previous version of this bill to remove the misdemeanor Abuse of a Family or Household Member offense for eligibility of a deferral.

The Office of the Public Defender continues to support providing positive incentives for first time offenders to resolve cases without a trial, to have the ability to take mandatory Domestic Violence Intervention (DVI) classes or Anger Management (AM) classes, parenting classes, and to complete Substance Abuse

treatment as deemed appropriate while earning the ability to have their case dismissed. A deferred acceptance of a guilty plea – also known as a DAG plea – is a valuable tool for the resolution of cases for first time offenders. For those defendants who want to take responsibility for their actions and who are positively engaged in DVI or AM classes, they are deserving of a DAG for their commitment to embracing new ways of managing stress, anger, and trauma or to help a family navigate tough times in relationships – the loss of stable employment, financial instability, marital or relationship emotional trauma, mental health and/or medical issues, or any number of stressors that can cause a normally stable and loving family to unmoor and lose their foundations while they manage a crisis.

Interfamilial relationships are complex. Any simplification of who is arrested, who is accused, and who is brought into the court system does a disservice to the end goal of helping families maintain long term safe spaces in their homes and in their daily lives. Defendants come to us from all genders and ages. We have clients who are in their 20's and clients who are in their 70's. We have clients who grew up in homes filled with violence who are trying to manage their trauma and learn new skills to deal with emotional irregularity. We have clients who are mentally ill who need specialized services and who may need medication. We have clients and families who are committed to improvement, education, and therapy. These clients value the opportunity to earn and demonstrate that they will and do embrace positive change. These are the clients, and their families, who benefit from the DAG. To be clear, a DAG is not a given or a guarantee. It must be earned. It is not a freebie or a gift. It takes hard work and focus to complete the process. It requires 6-8 weeks of classes, it requires money to pay for those classes, it requires a full commitment to the rules of supervision, and it requires a client to meet regularly with a probation officer. It may require substance abuse treatment if that is an issue. It may require mental health treatment if that is an issue. The process is time consuming and for clients living in poverty, it can be expensive. But a client who is given that opportunity to demonstrate that commitment, it is a golden opportunity to educate themselves, keep their record clean, and move forward in their lives. Many families stay together. Many complaining witnesses are not interested in severing ties, they want their partner or family member to learn new ways of managing stress and the pressures of daily life. Many families worry that a conviction will impact the employment of their partner and thus negatively impact the family long term. Providing the DAG as an alternative is critical for those families in distress to help create a positive pathway to improving safety and long-term employment stability. Financial stress and the threat of homelessness are strong motivating factors when discussing a DAG where there are allegations of abuse and safety concerns for victims and our clients.

The DAG was never meant to be the sole “solution” for managing Abuse cases in the court system. **It was always meant to be a valuable tool and valuable option for those who qualify.** It was always means to be used sparingly for those who qualify. Only a first-time offender qualifies. A first-time offender does not have a prior record. It is very important to note that a DAG is not a substitute for the right to a trial where a client is simply not guilty. We still see instances of prosecutorial over-charging, incomplete investigations, questioning or cross-examination of witnesses that later reveal facts that contradict the original version of what happened, prosecution witnesses who are not credible, and misrepresentations that come to light in trial. Those cases are appropriate for trial and are a legitimate option for a defendant with a defense.

The misdemeanor Abuse courtrooms are currently managing their cases very well. The backlog is not excessive, jury and bench trials are being held regularly, cases are moving through the system in a timely manner, victim rights and their requests are being taken seriously, and cases are being processed efficiently without the long delays of the past. One of the main factors in this positive management of the caseloads is the availability of the DAG. It is an essential part of the process for those who qualify for it and who earn the benefit by completing their obligations to the court.

The DAG is necessary for those defendants who are trying to protect their employment, trying to protect their ability to find and maintain housing, and those defendants in the military. A military member who may be struggling with stress, deployments, ongoing training, and adjusting to a new home after another move following orders, may experience extreme stress in a relationship or marriage or handling issues with children. If this stress results in an incident that results in a charge of Abuse of a Family or Household Member, we want that military member to have the opportunity to take classes, work with their command, and to participate in counseling to protect their military career. A DAG can help a first time offender save his or her career while providing valuable opportunities for education and counseling that benefits that service member and their family.

On the issue of firearms, any defendant charged with Abuse of a Family or Household Member is required to surrender any and all firearms pending the outcome of their case. Any person who fails to meet the strict requirements of a DAG will not be able to restore their ability to get their firearm(s) returned. This applies to petty misdemeanor, misdemeanor and felony Abuse of a Family or Household Member offenses. We have not seen any data to support the assertion that the very small number of first-time misdemeanor offenders who successfully

earn a dismissal for Abuse of a Family or Household Member have gone on to use a firearm in the commission of another offense.

We encourage the Legislature to keep open the option of the DAG for those defendants willing and able to learn from their mistakes, willing and able to commit to therapy, willing and able to meet their court obligations with positive goals for their familial relationships. We caution against removing the DAG as we believe it will cause more cases to stall and linger on the calendars, will result in more trials and more backlog, will result in defendants and their families from experiencing more stress if faced with losing their employment and financial stability. Causing a family to choose between a conviction and the loss of employment will not create safer families or safer relationships for a first-time offender.

The Office of the Public Defender would also like to point out that there is currently a Domestic Violence Intervention Working Group created by the Legislature that is actively meeting and working on understanding how we can improve safety for victims and exploring how our State responds to domestic violence. We humbly ask that the Legislature wait to receive any reports and additional data that the Working Group is able to gather and explore before eliminating the DAG. The Pilot Program is working in a positive manner because of the inclusion of the DAG for misdemeanor offenses. We do not need a return to courtrooms with huge backlogs and increased stressors on families trying to navigate a crisis.

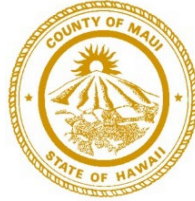
We would also like to address the rights of victims. It has been implied that no one is listening to the victims of Abuse. We refute this assertion. The Pilot Program was created as a direct result of Legislators and Service Providers addressing the concerns of victims. Many improvements have been made to the processing of petty misdemeanor and misdemeanor offenses for Abuse of a Family or Household Member. These improvements have created a safer and more responsive system that encourage victims to participate in the process, to be heard, and to have their concerns addressed. The decline in the excessive backlog is no small matter and not trivial. Cases are processed more efficiently. Victims are receiving better and more responsive assistance. The Courts have been able to maintain a balance between processing trials or hearings with the needs of victims and the families impacted by these cases. We want to acknowledge the work of Victim Witness Advocates and the Service Providers who have helped make improvements to the processing system and who are essential to preserving victim(s) rights.

Thank you for the opportunity to provide testimony on this measure.

**RICHARD T. BISSEN, JR.**  
Mayor

**ANDREW H. MARTIN**  
Prosecuting Attorney

**SHELLY C. MIYASHIRO**  
First Deputy Prosecuting Attorney



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TESTIMONY ON  
H.B. 1959 HD2 SD1  
RELATING TO DOMESTIC VIOLENCE

April 5, 2026

The Honorable Karl Rhoads  
Chair  
The Honorable Mike Gabbard  
Vice Chair  
and Members of the Committee on Judiciary

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of H.B. 1959 HD2 SD1, Relating to Domestic Violence**. This measure extends for five years provisions relating to the offense of Abuse of Family or Household Member ("AFHM") that were originally enacted in Act 19, SLH 2021.

We support this bill for the reasons listed in our joint testimony previously submitted by the Hawaii County Office of the Prosecuting Attorney in the HD2 draft of H.B. 1959. In short, the ability to charge a petty misdemeanor form of AFHM and the ability for a defendant to request a deferred plea for both petty misdemeanor and misdemeanor AFHM offenses helps our efficient and fair prosecution of these offenses.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports H.B. 1959 HD2 SD1**. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries. Thank you very much for the opportunity to provide testimony on this bill.

**KELDEN B.A. WALTJEN**  
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**OFFICE OF THE PROSECUTING ATTORNEY**

**JOINT TESTIMONY IN SUPPORT OF**  
**HOUSE BILL 1959 HOUSE DRAFT 2, SENATE DRAFT 1,**  
**WITH MAUI COUNTY DEPARTMENT OF THE**  
**PROSECUTING ATTORNEY & KAUA'I COUNTY OFFICE OF THE**  
**PROSECUTING ATTORNEY**

A BILL FOR AN ACT  
RELATING TO DOMESTIC VIOLENCE

COMMITTEE ON JUDICIARY  
Senator Karl Rhodes, Chair  
Senator Mike Gabbard, Vice Chair

Tuesday, April 7, 2026 at 10:15 a.m.  
Via Videoconference  
State Capitol Conference Room 016  
415 South Beretania Street

Honorable Chair Rhodes, Vice Chair Gabbard, and the members of the Senate Judiciary Committee:

In coordination with the Maui County Department of the Prosecuting Attorney and the Kaua'i County Office of the Prosecuting Attorney, the Hawai'i County Office of the Prosecuting Attorney respectfully submits the following joint testimony in support of House Bill 1959 House Draft 2 Senate Draft 1. As presently drafted, this measure would extend all of the expiring provisions of Act 19, SLH 2020, and Act 238, SLH 2021, for an additional five years, until June 30, 2031.

Our offices join **in support of maintaining the petty misdemeanor Abuse offenses**. In particular, the petty misdemeanor offense of coercive control has been useful as an additional charge in more serious felony cases. In Hawai'i County, for example, this offense has been charged more than six times in felony cases. The coercive control charge can allow the presentation of more evidence showing the context of an abusive relationship and has been a helpful tool in holding more serious offenders accountable.

Our offices also **support extending the availability of a deferred acceptance of guilty plea for both misdemeanor and petty misdemeanor Abuse offenses where appropriate**.

In practical terms, the deferral has become a useful method of resolving domestic violence cases. As the Legislature recognized at the time of its passage, there is a broad spectrum of severity in domestic violence cases. Many first-time offenders both deserve and earn the

deferral, based on the facts of the case, the history of the parties, and the input of the crime victim. The input of the victim is critical—it is not uncommon that victims of this crime are hesitant to cooperate with prosecution at first, but upon learning that a deferral is an option, will become cooperative with prosecution. In other cases, if the victim does not support the deferral, our offices may object to the deferral at sentencing. In the face of such objection, judges have denied a defendant’s request for a deferral and entered the conviction. As in all domestic violence cases, the input of the victim is critical to reaching a just outcome.

The deferral can also help resolve misdemeanor cases quickly: for example, in Hawai‘i County last year, deferrals were granted an average of 111 days after the case was charged. There is also real value in keeping defendants under court supervision for an extended period of time. The deferral period provides these offenders time to attend domestic violence intervention or anger management classes, to continue to check in with the court, and often to work on their sobriety or obtain mental health services, if that is a factor.

Critically, if the defendant re-offends or fails to complete services while being supervised, the ability to set aside the deferral and impose an Abuse conviction is a significant improvement over prior law. Before the deferral was made available for misdemeanor and petty misdemeanor offenses under HRS 709-906, domestic violence offenders would often receive deferrals through amending the charge to Assault in the Third Degree during plea negotiations. This meant, however, that if such a deferral was set aside, the subsequent conviction imposed was only for Assault in the Third Degree, not Abuse. This did not reflect the reality of the offense or carry the collateral consequences of an Abuse conviction, such as mandatory minimum sentences or permanent firearms restrictions.

As to firearms restrictions in particular, while defendants are under supervision as part of a deferred acceptance of guilty plea, they are not permitted to possess firearms or ammunition. It is only after a defendant successfully completes their period of supervision and all other requirements of a deferral that they may have their right to firearms restored, assuming the offender has no other legal restriction. No data is available at this time which shows that this presents a genuine safety risk. That is, no data shows that offenders who have successfully completed a deferral go on to commit firearms-related offenses at elevated rates.

Indeed, an absence of data, and the intent to gather additional data, is a significant reason to support extending this pilot project in its entirety for five additional years. Amendments in HB 1959 HD2 SD1 would direct the judiciary in consultation with the criminal justice research institute to collect data and evaluate the pilot project on factors including whether the length of case adjudication changed before and after the pilot project, whether recidivism rates changed, whether successful completion of domestic violence intervention services increased, and so on. Maintaining the pilot program in its original form will allow for gathering a greater data set over the additional time, which would not be possible if pieces of the pilot program were discarded at this stage. For example, in East Hawai‘i County in 2025, approximately 202 misdemeanor Abuse charges were filed after arrest, whereas only 13 petty misdemeanor Abuse charges were filed following arrest during the same time frame.

It is true that many offenders successfully complete a deferral period and ultimately have their case dismissed. Abuse is a must-arrest charge in Hawai'i, regardless of the severity of injury or pain suffered, so cases entering the criminal justice system can vary greatly in their facts. Allowing the system the flexibility to treat different cases differently, while keeping the Abuse charge attached to the offender through final resolution, is in line with our offices' commitment to prosecuting domestic violence in a trauma-informed way, with the input and advice of the victims, while still holding offenders accountable.

For the foregoing reasons, the Hawai'i County Offices of the Prosecuting Attorney, Maui County Department of the Prosecuting Attorney, and Kaua'i Office of the Prosecuting Attorney supports House Bill 1959, House Draft 2, Senate Draft 1 as presently drafted, extending the sunset provisions of Act 19, SLH 2020, and Act 238, SLH 2021, in their entirety. We support maintaining the petty misdemeanor Abuse offenses, and maintaining the availability of the deferred acceptance of guilty plea for both misdemeanor and petty misdemeanor Abuse offenses. Thank you for the opportunity to testify on this matter.

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April 5, 2026

Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair  
Committee on Judiciary  
The Senate  
33<sup>rd</sup> Legislature, State of Hawai`i

via: <http://www.capitol.hawaii.gov>

Dear Honorable Committee leadership and members,

Re: **SUPPORT FOR HB1959 HD2 SD1 RELATING DOMESTIC  
VIOLENCE**

DATE: Tuesday, April 7, 2026  
TIME: 10:15 a.m.  
PLACE: Conference Room 016 & Videoconference  
State Capitol  
415 South Beretania Street

I have the perfect story that illustrates the importance of extending the provisions of Act 19, SLH 2020 and Act 238, SLH 2021 as intended by this bill. I have a client that is today 54 years old. When he was 18, he was charged and convicted for MISD abuse involving his girlfriend. For the nearly 40 years since that conviction, he has not been charged with any other criminal offenses. He has requested a pardon three times in the past ten years, and provided a total of 12 original affidavits attesting to his good character and community standing. Each request has been followed by a rejection letter that concludes with the same “keep up the good work and you can apply again in a couple years” well-wish. He reasonably asks what more can I possibly do or show to merit approval? Had my client been able to request and achieve a deferral, he thereupon would have been able to proceed unencumbered in the local economy with the ability to exercise rights and liberties guaranteed by the state and federal constitutions.

Thank you for your consideration of my testimony. Aloha.

/s/ Georgette A. Yaindl  
GEORGETTE ANNE YAINDL



April 6, 2026

Position: **SUPPORT** of **HB1959 HD2 SD1**, Relating to Domestic Violence

**To:** Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair  
Members of the Senate Committee on Judiciary

**From:** Llasmin Chaine, LSW, Executive Director, Hawaii State Commission on the Status of Women

**Re:** Testimony in **SUPPORT** of **HB1959 HD2 SD1**, Relating to Domestic Violence

Hearing: Tuesday, April 7, 2026, 10:15 a.m.  
Conference Room 016, State Capitol

The Hawaii State Commission on the Status of Women is committed to advancing the safety, well-being, and rights of women in Hawaii. The Commission **supports HB1959 HD2 SD1** because it **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.**

We recommend extending these provisions. **Continued implementation is necessary to collect sufficient data and ensure thoughtful policy evaluation before any permanent decisions are made.** The additional time will allow the state to assess whether the existing framework is achieving its intended goals, including improved survivor safety, more accurate risk assessment, and effective offender rehabilitation. Research and **best practices in the field of domestic violence prevention emphasize the importance of clear legal definitions and graduated penalties to deter abuse and support survivor safety.**

The Commission encourages continued attention to survivor-centered approaches in the implementation of these provisions. Additionally, we urge the Legislature to consider further improvements to strengthen protections for those affected by domestic violence, and pathways that enable offender accountability and rehabilitation.

We respectfully urge this Committee to **pass HB1959 HD2 SD1.**

Thank you for this opportunity to submit testimony.



**LATE**

April 7, 2026

Members of the Senate Committee on Judiciary:

Chair Karl Rhoads  
Vice Chair Mike Gabbard  
Rep. Stanley Chang  
Rep. Joy A. San Buenaventura  
Rep. Brenton Awa

Re: HB1959 HD2 SD1 Relating to Domestic Violence

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) mission is to unite Hawai'i to end all forms of domestic violence. We are a statewide partnership of 20 domestic violence programs, shelters, and allies.

Thank you for considering this late testimony. We used this time deliberately to examine the full implications of this measure, particularly for survivor safety. We support the extension of this pilot program, and remain concerned about continuing the deferred acceptance of a guilty plea (DAG) for misdemeanor domestic violence offenses in the pilot program.

We share the goal of accountability. Those who cause harm should be held responsible and given access to services that support meaningful change. But accountability must be based on an understanding of risk. This bill raises an important question about risk: Does our current system accurately evaluate the danger levels in domestic violence cases with evidence-based risk assessments? Are patterns of coercion, escalation, and prior unreported abuse being truly considered by all parties?

We know that when a case appears in court for the first time, it is rarely the first instance of violence. It is simply the first time the system has seen it. And the risk of domestic violence-related homicide increases when an abusive partner has access to firearms.

Under the [Lautenberg Amendment \(18 U.S.C. § 922\(g\)\(9\)\)](#), a person convicted of a misdemeanor crime of domestic violence is prohibited from possessing firearms. This legislation recognizes that access to a firearm significantly increases the risk of lethality in domestic violence situations. An abusive partner with access to firearms is a serious threat to

victims of domestic violence, making it five times more likely that they will be killed.<sup>1</sup> Domestic violence assaults involving a gun are 12 times more likely to result in death than those involving other weapons or bodily force.<sup>2</sup> If a DAG is used improperly, would an otherwise prohibited person be allowed access to firearms?

This pilot program was created in response to concerns raised by survivors about the unintended effects of the criminal justice approach to domestic violence cases. The response relied heavily on criminal convictions in lower-level domestic violence incidents. However, those convictions could create barriers to employment, housing, and financial stability for individuals responsible for providing child support or contributing to family resources, ultimately undermining survivor safety and economic security.

Domestic violence cases are complex, and survivor safety is not easily defined. However, over the next five years of this pilot program, we urge the Legislature to strengthen the broader systems survivors rely on, including:

- Passing and implementing paid family and medical leave that includes paid safe leave;
- Expanded access to affordable childcare; and
- Increased access to safe, affordable housing.

Survivors need well-informed options for abusive partners and systems that make safety possible.

Thank you for the opportunity to testify on this important matter.

Sincerely,  
Angelina Mercado, Executive Director

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<sup>1</sup> J.C. Campbell, et al., "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," *American Journal of Public Health* 93, no.7 (2003): 1089–1097.

<sup>2</sup> Linda E. Saltzman, et al., "Weapon Involvement and Injury Outcomes in Family and Intimate Assaults," *JAMA* 267, no. 22 (1992): 3043–3047.

Dennis M Dunn  
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**LATE**

TO: **Senator Karl Rhoads, Chair**  
**Senator Mike Gabbard, Vice Chair**  
**Senate Committee on Judiciary**

RE: **House Bill 1959, H.D. 2, S.D. 1, Relating to Domestic Violence**

HEARING: **Tuesday, April 7, 2026, 10:15 a.m.**  
**Conference Room 016**

Good morning Chair Rhoads, Vice Chair Gabbard and members of Senate Committee on Judiciary. My name is Dennis Dunn, and I am the former Director of the Victim Witness Kokua Services in the Honolulu Prosecuting Attorney's Office, having retired at the end of 2022 after 44 years of service with the program. **I am testifying today in support of H.B. 1959, H.D. 2, S.D. 1, with amendments.** This Bill proposes to Extend for five years certain provisions from Act 19, SLH 2020, and Act 238, SLH 2021, relating to abuse of family or household members, including establishing a petty misdemeanor offense of abuse of family or household members, clarifying penalties for violations, and allowing a deferred acceptance of guilty plea for misdemeanor and petty misdemeanor abuse of family or household members offenses.

I believe that an inadequate period of time has elapsed for the full impact of the changes made to H.R.S. 709-906 by Act 19 of 2020 to be evaluated. While the Judiciary has issued a report on the outcomes of cases prosecuted under the amended statute, we have no data on the outcomes for the individuals prosecuted under the new provisions. **We have no data on recidivism rates or the nature of any subsequent offenses committed by individuals charged and convicted or given a deferred plea under this amended Chapter.** Similarly, and equally important, **there is no information or data available regarding the impact of the changes on the lives of the victims of the offenders.** An extension of time for the establishment of permanency for the 2020 amendments seems warranted and **it should be predicated upon the Legislature requiring additional areas of assessment if such an extension is enacted. This should include metrics and data points that measure outcomes for both victims and offenders** and not simply case data that evaluates the impact on court filings, court dockets, and case flow management. **What needs to be measured is the real-life impact of statutory revisions on people's everyday lives.**

One specific amendment that I propose is to eliminate the provisions allowing a Deferred Acceptance of Guilty or Deferred Acceptance of No Contest Plea for the offenders covered by this Chapter. It is my personal belief that allowing such deferred pleas for domestic violence offenders is unwise **and inhibits the ability to adequately evaluate an offender's prior domestic violence history upon the occurrence of subsequent domestic violence offenses.** Furthermore, **the use of Deferred Pleas for domestic violence offenders most likely legally places firearms back in their**

**possession, a consequence that has been documented to dramatically increase the likelihood of domestic violence fatalities,**

In conclusion, **I urge your support for H.B. 1959, H.D. 2, S.D. 1 with my proposed amendments.** Thank you for time and consideration.