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# A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE.

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

1 PART I

2 SECTION 1. Section 709-906, Hawaii Revised Statutes, is  
3 amended by amending subsection (18) to read as follows:

4 "(18) Notwithstanding any provision of law to the  
5 contrary, the court may grant a deferred acceptance of guilty  
6 plea pursuant to chapter 853 for [~~misdemeanor or~~] petty  
7 misdemeanor offenses of abuse of a family or household member  
8 when the defendant:

9 (a) Has no prior conviction; or

10 (b) Has not been previously granted a deferred acceptance  
11 of guilty plea,

12 for any offense charged in family court under this section  
13 regardless of the final plea."

14 PART II

15 SECTION 2. Act 19, Session Laws of Hawaii 2020, is amended  
16 by amending section 15 to read as follows:



1           "SECTION 15. This Act shall take effect on January 1,  
2 2021; provided that sections 2, 3, and 4 shall be repealed on  
3 June 30, [~~2026~~] 2031; provided further that sections 706-623,  
4 709-906, and 853-4, Hawaii Revised Statutes, shall be reenacted  
5 in the form in which they read on the day prior to the effective  
6 date of this Act."

7           SECTION 3. Act 238, Session Laws of Hawaii 2021, is  
8 amended by amending section 4 to read as follows:

9           "SECTION 4. This Act shall take effect upon its approval;  
10 provided that section 1 shall be repealed on June 30, [~~2026~~]  
11 2031; provided further that section 709-906, Hawaii Revised  
12 Statutes, shall be reenacted in the form in which it read on  
13 December 31, 2020."

14           SECTION 4. Act 23, Session Laws of Hawaii 2023, as amended  
15 by section 15 of Act 178, Session Laws of Hawaii 2024, is  
16 amended by amending section 7 to read as follows:

17           "SECTION 7. This Act shall take effect upon its approval;  
18 provided that the amendments made to section 709-906, Hawaii  
19 Revised Statutes, by section 4 of this Act shall not be repealed  
20 when that section is reenacted on June 30, [~~2026~~] 2031,  
21 pursuant to:



- 1 (1) Section 15 of Act 19, Session Laws of Hawaii 2020; and
- 2 (2) Section 4 of Act 238, Session Laws of Hawaii 2021."

3 PART III

4 SECTION 5. (a) The judiciary shall submit a report  
5 regarding cases filed with the judiciary involving offenses  
6 under section 709-906, Hawaii Revised Statutes, to the  
7 legislature no later than December 1 of 2026, 2027, 2028, 2029,  
8 and 2030. The report shall include:

- 9 (1) The final outcome of each case, including the number  
10 of cases dismissed, deferred with a successful case  
11 closure, and sentenced, by category;
- 12 (2) The number of defendants, by category, who:
  - 13 (A) Pleaded guilty or no contest;
  - 14 (B) Were found guilty after trial;
  - 15 (C) Were found not guilty; and
  - 16 (D) Had other adjudicative outcomes, including  
17 mistrial or dismissal after trial;
- 18 (3) The number of domestic violence assessments ordered  
19 and completed and number of defendants referred to  
20 treatment after assessment;

1 (4) In cases in which an offender was required to complete  
2 a domestic violence intervention program, anger  
3 management course, or parenting classes, the report  
4 shall include, by category:

5 (A) The number of cases in which the program was  
6 completed or not completed; and

7 (B) Any reasons for failure to complete the program  
8 and the consequences for failure to complete the  
9 program;

10 (5) The number and offense type for any new charges for  
11 defendants while their case is open and for one year  
12 after they completed treatment;

13 (6) The number of times a deferred acceptance of guilty  
14 has been granted to the same defendant; and

15 (7) The amount of time between initiation of the case and  
16 completion of the case.

17 (b) The report due on December 1, 2026, shall only include  
18 data starting from the effective date of this Act.

19 (c) For the report due on December 1, 2030, the judiciary,  
20 in consultation with the criminal justice research institute,  
21 shall also include an evaluation of the pilot program under Act



1 19, Session Law of Hawaii 2020, and Act 238, Session Laws of  
2 Hawaii 2021, that reviews the data required under subsection  
3 (a), where available, from 2016 to 2029 to evaluate the  
4 following:

5 (1) Whether the length of case adjudication changed before  
6 and after the pilot program had an impact on  
7 dismissals pursuant to rule 48 of the Hawaii rules of  
8 penal procedure;

9 (2) Whether recidivism rates changed after the pilot  
10 program;

11 (3) Whether successful completion of domestic violence  
12 programs, anger management, or parenting classes  
13 increased during the pilot program;

14 (4) Whether the pilot program provided faster case  
15 resolution; and

16 (5) Any recommendations for legislation, including whether  
17 to make the pilot program permanent.

18 PART IV

19 SECTION 6. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.



1 SECTION 7. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 8. This Act shall take effect on July 1, 3000;  
4 provided that section 1 shall be repealed on June 30, 2031, and  
5 section 709-906, Hawaii Revised Statutes, shall be reenacted in  
6 the form in which it read on December 31, 2020.



**Report Title:**

Domestic Violence; Abuse of Family or Household Member; Deferred Acceptance of Guilty Plea; Penalties

**Description:**

Temporarily specifies that a court may grant a deferred acceptance of guilty plea only for petty misdemeanor offenses, rather than for misdemeanor and petty misdemeanor offenses. 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. Effective 7/1/3000. (HD2)

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

