



MARI McCAIG BELLINGER
Chair

CLIFTON Y.S. CHOY
Commissioner

JO KAMAE BYRNE
Commissioner

PAMELA FERGUSON-BREY
Executive Director

LATE

STATE OF HAWAII – Ka MOKU'ĀINA 'O HAWAI'I
CRIME VICTIM COMPENSATION COMMISSION
Ke Komikina Uku Luaahi Kalaima
1164 Bishop Street, Suite 1530
Honolulu, Hawai'i 96813
Telephone: 808 587-1143
FAX 808 587-1146

TESTIMONY ON HOUSE BILL 1959
RELATING TO DOMESTIC VIOLENCE

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Human Services & Homelessness
Representative Lisa Marten, Chair
Representative Ikaika Olds, Vice Chair

Tuesday, February 10, 2026; 9:30 AM
State Capitol, Conference Room 329 & Videoconference

Good morning, Chair Marten, Vice Chair Olds, and Members of the House Committee on Human Services & Homelessness. Thank you for providing the Crime Victim Compensation Commission (the "Commission") with the opportunity to testify in support of House Bill 1959. HB 1959 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. There is insufficient data for policymakers to determine whether the pilot project has met its goals.

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.

Having additional data is necessary to ensure a thorough and accurate assessment to determine if the goals of the pilot project have been met.

Thank you for providing the Commission with the opportunity to testify in support of House Bill 1959.

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

SHANNON M. KAGAWA
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KILAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908

74-675 KEALAKEHE PARKWAY
KAILUA-KONA, HAWAII 96740
PH: (808) 322-2552
FAX: (808) 322-6584

64-1067 MAMALAHOA HIGHWAY, C-3
KAMUELA, HAWAII 96743
PH: (808) 887-3017
FAX: (808) 887-3016

OFFICE OF THE PROSECUTING ATTORNEY

JOINT TESTIMONY IN SUPPORT OF HOUSE BILL 1959 WITH MAUI COUNTY DEPARTMENT OF THE PROSECUTING ATTORNEY & KAUAI COUNTY OFFICE OF THE PROSECUTING ATTORNEY

A BILL FOR AN ACT
RELATING TO DOMESTIC VIOLENCE

COMMITTEE ON HUMAN SERVICES & HOMELESSNESS

Representative Lisa Marten, Chair
Representative Ikaika Olds, Vice Chair

Tuesday, February 10, 2026 at 9:30 a.m.
Via Videoconference
State Capitol Conference Room 329
415 South Beretania Street

Honorable Chair Marten, Vice Chair Olds, and the members of the House Committee on Human Services & Homelessness:

In coordination with the Maui County Department of the Prosecuting Attorney and the Kauai County Office of the Prosecuting Attorney, the Hawaii County Office of the Prosecuting Attorney respectfully submits the following joint testimony **in support** of House Bill 1959, which extends for five years the petty misdemeanor offenses of Abuse of Family or Household Member as well as the availability of a deferred acceptance of guilty plea.

Our offices join the Honolulu Prosecuting Attorney **in support of maintaining the petty misdemeanor offenses**. In particular, the petty misdemeanor offense of coercive control has been useful as an additional charge in more serious felony cases. In Hawaii County, for example, this offense has been charged more than five times in felony cases. The coercive control charge opens the door to evidence about the context of an abusive relationship and has been a helpful tool in holding more serious offenders accountable.

Our offices also **support the extension of the deferred acceptance of guilty plea for misdemeanor and petty misdemeanor Abuse offenses**. 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. It can also help resolve

cases quickly: for example, in Hawai'i County last year, deferrals were granted an average of 120 days after the case was charged. The deferral period provides these offenders time to attend domestic violence intervention or anger management classes, to be under court supervision, and often to work on their sobriety or obtain mental health services, if that is a factor.

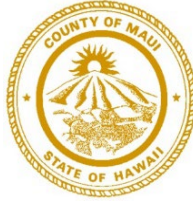
Further, if the defendant re-offends while being supervised, the ability to set aside the deferral and impose the Abuse conviction is a significant improvement. Before the deferral was made available for misdemeanor and petty misdemeanor offenses under HRS 709-906, domestic violence offenders could still be granted a deferral if the charge was amended to Assault in the Third Degree during plea negotiations. This meant, however, that if the deferral was set aside, the subsequent conviction imposed was for Assault in the Third Degree. This did not reflect the reality of the offense or carry the collateral consequences of an Abuse conviction, such as mandatory minimum sentences or firearms restrictions. In reality, many offenders successfully complete their deferral period and have their cases dismissed. Nevertheless, the fact that a defendant can only use a deferral once on an Abuse charge, and that Abuse is the conviction that will be imposed if the terms of the deferral are violated, more accurately captures the case in the defendant's criminal record.

For the foregoing reasons, the Maui Department of the Prosecuting Attorney and Hawai'i and Kaua'i Offices of the Prosecuting Attorney support House Bill 1959, extending the sunset provisions of Act 19, SLH 2020, and Act 238, SLH 2021, and ensuring the continuance of the petty misdemeanors and deferral under 709-906. Thank you for the opportunity to testify on this matter.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

TESTIMONY ON
H.B. 1959
RELATING TO DOMESTIC VIOLENCE

February 8, 2026

The Honorable Lisa Marten
Chair
The Honorable Ikaika Olds
Vice Chair
and Members of the Committee on Human Services and Homelessness

Chair Marten, Vice Chair Olds, 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, 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.

The Department of the Prosecuting Attorney, County of Maui joins the Hawaii County and Kauai County Offices of the Prosecuting Attorney in supporting this bill for the reasons listed in our joint testimony submitted by the Hawaii County Office of the Prosecuting Attorney. 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**. 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.



February 10, 2026

Members of the House Committee on Human Services & Homelessness:

Chair Lisa Marten
Vice Chair Ikaika Olds
Rep. Terez Amato
Rep. Daisy Hartsfield
Rep. Sue L. Keohokapu-Lee Loy
Rep. Gregg Takayama
Rep. Jenna Takenouchi
Rep. David Alcos III
Rep. Diamond Garcia

Re: HB1959 Relating to Domestic Violence

Dear Chair Marten, Vice Chair Olds, and Members of the House Committee on Human Services & Homelessness:

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 domestic violence programs and shelters.

On behalf of HSCADV and our 20 member programs, I respectfully submit testimony in strong support of HB1959.

This measure extends a pilot program that creates a petty misdemeanor offense of Abuse of a Family or Household Member (AFHM). The pilot was created and then modified through Acts 19 (2020), 238 (2021), and 23 (2023) and will sunset on June 30, 2026. HB1959 extends the pilot program to June 30, 2031.

Under this pilot program, defendants may enter a Deferred Acceptance of Guilty (DAG) plea in certain cases, and the court may dismiss the charge if the defendant successfully completes a court-ordered domestic violence intervention or parenting program. The DAG is intended to reduce congestion in the court system caused by a backlog of jury trials. The DAG is subject to a bench trial and a judge's decision rather than a jury's.

The program was established in response to concerns raised by survivors about the unintended consequences of the criminal justice response to domestic violence cases. The response relied heavily on criminal convictions of lower-level domestic violence cases.

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.

Since the implementation of the pilot program, we have found that:

- Other than prosecutors, many programs and community partners were unaware of the pilot project, which affected our ability to assess its efficacy in meeting its intended purpose.
- The DAG could be viewed as a diversion and prevention mechanism; however, it lacks the infrastructure and resources of an evidence-based diversion program.
- It is too early to accurately assess the new statutory provision for several reasons:
 - The impact of *State v Thompson (Thompson)*, which invalidated the methods sometimes used by prosecutors in charging misdemeanor cases. This ruling affected many misdemeanor abuse cases, as many were dismissed by the courts and not recharged due to difficulties arising from the passage of time between the initial charging and the dismissal of *Thompson*. This factor was also briefly cited in the Judiciary's report, making it difficult to discern any trends.
 - The Judiciary report primarily presents case outcome data, not outcome data for survivors and offenders. While gathering some of this data may be challenging, it is essential to conduct a meaningful assessment not only of the pilot program but also of the impact of prosecuting domestic violence cases in Hawaii more broadly. While some data collection would likely be qualitative, certain data points, such as offender recidivism and other offender statistics, can and should be incorporated into any meaningful assessment of the program.
 - We need to further assess the impact on demand for advocates to support victims in court and on programs providing court-mandated services.

We recommend extending these provisions through 2031 and ensuring the Judiciary continues to collect and report data during the extension. 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, reduced recidivism, and increased stability for families affected by domestic violence.

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

Sincerely,
Angelina Mercado, Executive Director

HB-1959

Submitted on: 2/9/2026 9:33:39 AM

Testimony for HSH on 2/10/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Llasmin Chaine	Hawaii State Commission on the Status of Women	Support	In Person

Comments:

We respectfully submit testimony in support of HB1959.

We recommend extending these provisions through 2031. 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, reduced recidivism, and increased stability for families affected by domestic violence.

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

To: Representative Lisa Marten, Chair House Committee on Human Services and Homelessness
Fr: Kira Niotta
Re: HB 1959 - RELATING TO DOMESTIC VIOLENCE

LATE

Hi Representative Lisa Martin and committee. My name is Kira and I am testifying in favor of House Bill 1959 regarding domestic abuse. It is important to not ignore the unfortunate women and men that have fallen victim to domestic violence. This type of domestic abuse is psychological, malicious, and slow. Domestic violence is deeper than a bruise, abusers break down their victims to their core until they are reduced to puppets on a string.

This type of abuse is usually hidden, doubtful, and sometimes unconscious. This form of abuse is very common. Who is at fault when clingy becomes intrusive or when love becomes abusive? Generally speaking, it starts in a very small way. Maybe something as seemingly insignificant as complaining about dinner. When someone has spent a great deal of time preparing a meal for their partner, it is very difficult to hear that the meal was below standard.

It escalates from there at an apparently slow rate to something like isolating the victim from her friends and family. This is the first big step because now the abuser is in complete control over the isolated victim. Once the couple has reached this level, the abuse can go in endless directions and all of them are bad. This type of abuse can lead to the victim to be completely submissive and under the control of the abuser.

The abuse can take form in many ways, such as monitoring the victim's every move, following the victim when they leave the house and can go as far as to deny the victim any food. It is astonishing that the abuse can start slow and then escalate to the severity of denying food. This can leave the victim feeling lost and hopeless.

House Bill 1959 is important because it continues existing protections and penalties for abuse of family or household members. Currently, when these protections lapse, victims are left vulnerable and unable to escape abusive situations. There needs to be more support and help for those suffering from domestic abuse. Domestic violence starts small, becomes big and never ends well.

Thank you for this opportunity to speak on behalf of House Bill 1959.