

ACT 246

H.B. NO. 1037

A Bill for an Act Relating To Annulment, Divorce, Separation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 580-10, Hawaii Revised Statutes, is amended to read as follows:

“§580-10 Restraining [order.] orders. (a) Whenever it is made to appear to the court after the filing of any complaint, that a party thereto may dispose or encumber property, or any part thereof, the court may issue a restraining order to prevent such disposal or encumbrance, and shall enjoy in respect thereof the powers pertaining to a court of equity.

(b) Whenever it is made to appear to the court after the filing of any complaint, that there are reasonable grounds to believe that a party thereto may inflict physical abuse upon, threaten by words or conduct, or harass the other party, the court may issue a restraining order to prevent such physical abuse, threats, or harassment, and shall enjoy in respect thereof the powers pertaining to a court of equity. Where necessary, the order may require either or both of the parties involved to leave the marital residence during the period of the order, and may also restrain the party to whom it is directed from contacting, threatening, or physically

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abusing the children or other relative of the spouse who may be residing with that spouse at the time of the granting of the restraining order. The order may also restrain a party's agents, servants, employees, attorneys, or other persons in active concert or participation with the respective party.

- (1) Any wilful disobedience of a restraining order issued pursuant to this subsection shall be a misdemeanor under section 710-1077. All remedies for the enforcement of judgments, equitable as well as legal, including civil contempt, shall apply to this section.
- (2) Any law enforcement officer shall enforce a restraining order issued pursuant to this subsection, including lawfully ordering the restrained party to voluntarily leave for a three-hour cooling off period, or, with or without a warrant, where the law enforcement officer has reasonable grounds to believe that the restrained party has violated the restraining order, arresting the restrained party."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 9, 1983.)