

ACT 257

S.B. NO. 1797

A Bill for an Act Relating to Domestic Violence.

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

SECTION 1. Section 709-906, Hawaii Revised Statutes, is amended by amending subsection (5) to read as follows:

“(5) Abuse of a family or household member, and refusal to comply with the lawful order of a police officer under subsection (4) are misdemeanors; provided that a person convicted under this section shall serve a minimum jail sentence of forty-eight hours and be required to undergo any available domestic violence treatment and counseling program as ordered by the court. However, the court may suspend any portion of a jail sentence, except for the mandatory forty-eight hours, upon the condition that the defendant remain arrest-free and conviction-free or complete court-ordered counseling.”

SECTION 2. Section 709-906, Hawaii Revised Statutes, is amended by amending subsection (13) to read as follows:

“(13) If a person is ordered by the court to undergo any treatment or counseling [at any available domestic violence program], that person shall provide adequate proof of compliance with the [court] court’s order [as instructed by the court]. The court shall order a subsequent hearing at which the person is required to make an appearance, on a date certain, to determine whether the person has completed the ordered treatment. The court may waive the subsequent hearing and appearance where a court officer has established that the person has completed the treatment ordered by the court.”

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SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$115,000, or so much thereof as may be necessary for fiscal year 1991-1992, and the sum of \$115,000, or so much thereof as may be necessary for fiscal year 1992-1993, to hire personnel to fill 4.0 social worker III positions. The sums appropriated shall be expended by the judiciary for the purposes of this Act.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000, or so much thereof as may be necessary for fiscal year 1991-1992, to disseminate information about abuse and resources available to victims of abuse, examine the causes of domestic violence and abuse, and recommend solutions. The sum appropriated shall be expended by the commission on the status of women to undertake a fact-finding and educational dialogue through community forums with individuals and groups concerning various types of violent behavior and domestic abuse that manifest themselves in the cultural, societal, and personal ways of dealing with stress, power, and problem-solving and to disseminate up-to-date information on the many forms of abuse that occur and the resources available to victims of abuse. Based upon the information and knowledge obtained through these community forums, the commission shall make recommendations concerning:

- (1) Ways in which violent behavior can be minimized or eliminated and non-violent behavior can be learned; and
- (2) Means of encouraging healthy family relationships and individual self-esteem.

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 1991.

(Approved June 12, 1991.)