

## ACT 25

S.B. NO. 333

A Bill for an Act Relating to Domestic Violence.

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

SECTION 1. Section 571-42, Hawaii Revised Statutes, is amended to read as follows:

**“§571-42 Procedure in adult cases.** (a) In any criminal proceeding arising under section 571-14, except as to cases involving abuse of a family or household member, the court, with the consent of the defendant or the parties in interest, may make a preliminary investigation and such adjustment as is practicable, without prosecution. The procedure and disposition applicable in the trial of [such] cases arising under section 571-14, including cases involving abuse of a family or household member, in a criminal court shall be applicable to any trial [in] of these cases by the family court. On request of the court, the appropriate prosecuting officer shall prepare and prosecute any criminal case within the purview of section 571-14.

(b) Where in the judge’s opinion it is necessary to protect the welfare of the persons before the court, the judge may conduct hearings in chambers[,] and may exclude persons having no direct interest in the case.

(c) In proceedings arising under section 571-14(3), (4), or (5), the court may [also] make a preliminary investigation and, with the consent of the parties in interest, may make such adjustment as is practicable without further formal procedures.

(d) In any noncriminal proceeding arising under section 571-14, any findings of fact or disposition shall be based upon a preponderance of evidence admissible under the rules of evidence applicable to the trial of civil cases.’”

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 Statutory material to be repealed is bracketed.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

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

(Approved April 14, 1997.)