

ACT 20

H.B. NO. 2425

A Bill for an Act Relating to Domestic Abuse.

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

SECTION 1. Section 431:10-217.5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) As used in this section, “domestic abuse” means:

- (1) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members;
- (2) Sexual assault of one family or household member by another;
- (3) Stalking of one family or household member by another family or household member; ~~[or]~~
- (4) Intentionally, knowingly, or recklessly causing damage to property so as to intimidate or attempt to control the behavior of another household member~~[-]; or~~
- (5) Coercive control, as defined in section 586-1, between family or household members.”

SECTION 2. Section 432:1-101.6, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) As used in this section, “domestic abuse” means:

- (1) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members;
- (2) Sexual assault of one family or household member by another;
- (3) Stalking of one family or household member by another family or household member; [øø]
- (4) Intentionally, knowingly, or recklessly causing damage to property so as to intimidate or attempt to control the behavior of another household member[-]; or
- (5) Coercive control, as defined in section 586-1, between family or household members.”

SECTION 3. Section 432:2-103.5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) As used in this section, “domestic abuse” means:

- (1) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members;
- (2) Sexual assault of one family or household member by another;
- (3) Stalking of one family or household member by another family or household member; [øø]
- (4) Intentionally, knowingly, or recklessly causing damage to property so as to intimidate or attempt to control the behavior of another household member[-]; or
- (5) Coercive control, as defined in section 586-1, between family or household members.”

SECTION 4. Section 432D-27, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) As used in this section, “domestic abuse” means:

- (1) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members;
- (2) Sexual assault of one family or household member by another;
- (3) Stalking of one family or household member by another family or household member; [øø]
- (4) Intentionally, knowingly, or recklessly causing damage to property so as to intimidate or attempt to control the behavior of another household member[-]; or
- (5) Coercive control, as defined in section 586-1, between family or household members.”

SECTION 5. Section 586-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

““Coercive control” means a pattern of threatening, humiliating, or intimidating actions, which may include assaults, or other abuse that is used to harm, punish, or frighten an individual. “Coercive control” includes a pattern of behavior that seeks to take away the individual’s liberty or freedom and strip away the individual’s sense of self, including bodily integrity and human rights, whereby the “coercive control” is designed to make an individual dependent by

isolating them from support, exploiting them, depriving them of independence, and regulating their everyday behavior including:

- (1) Isolating the individual from friends and family;
 - (2) Controlling how much money is accessible to the individual and how it is spent;
 - (3) Monitoring the individual's activities, communications, and movements;
 - (4) Name-calling, degradation, and demeaning the individual frequently;
 - (5) Threatening to harm or kill the individual or a child or relative of the individual;
 - (6) Threatening to publish information or make reports to the police or the authorities;
 - (7) Damaging property or household goods; and
 - (8) Forcing the individual to take part in criminal activity or child abuse."
2. By amending the definition of "domestic abuse" to read:
 "'Domestic abuse" means:
- (1) Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse, coercive control, or malicious property damage between family or household members; or
 - (2) Any act which would constitute an offense under section 709-906, or under part V or VI of chapter 707 committed against a minor family or household member by an adult family or household member."

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

SECTION 7. This Act shall take effect upon its approval.

(Approved September 15, 2020.)