

STAND. COM. REP. NO.

2417

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 2218
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2218 entitled:

"A BILL FOR AN ACT RELATING TO ELECTRONIC MONITORING,"

begs leave to report as follows:

The purpose of this measure is to require electronic
monitoring of persons convicted of violating a domestic abuse
temporary restraining order or protective order.

The Hawaii State Coalition Against Domestic Violence and two
individuals submitted testimony in support of this measure. The
Office of the Public Defender submitted testimony in opposition to
this measure. The Judiciary submitted comments.

According to the National Institute of Justice and the
Centers for Disease Control and Prevention, one in four women in
the United States will experience domestic violence during her
lifetime. In 2007, eighty-six per cent of the legal assistance
provided in Hawaii was for victims of domestic violence. Many
victims of domestic violence obtain a temporary restraining order
or protective order against the batterer. While not a panacea,
electronic monitoring of violators of temporary restraining orders
and protective orders adds an additional measure of protection by
alerting a victim if the batterer is within the defined geographic
exclusion zone so that the victim may find a safe location.

The Hawaii State Coalition Against Domestic Violence
testified to the importance of maintaining the confidentiality of

SB2218 SD1 SSCR LRB 08-1723.doc



a victim's whereabouts from a batterer and suggested an amendment to ensure that the use of electronic monitoring does not inadvertently alert the batterer of the victim's location.

Upon further consideration, your Committee has amended this measure by:

- (1) Clarifying that the court prohibit contact with the protected party through the establishment of court defined geographic zones known to the defendant to avoid inadvertently alerting the batterer of the victim's location;
- (2) Changing the effective date from upon approval to January 1, 2009, to give the public notice of the change in the law; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2218, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2218, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



BRIAN T. TANIGUCHI, Chair



