

STAND. COM. REP. NO. 2440

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 2806
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. 2806 entitled:

"A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS,"

begs leave to report as follows:

The purpose of this measure is to require the Judiciary to establish a pilot project for the electronic filing of temporary restraining orders and the issuance of temporary restraining orders on nights and weekends.

Your Committee received testimony in support of this measure from the Department of the Attorney General, the Office of Hawaiian Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu, the Hawaii State Coalition Against Domestic Violence, and a concerned citizen. The Domestic Violence Action Center submitted testimony in opposition. The Judiciary submitted comments.

Your Committee finds that an "E-TRO" program was successfully implemented as a pilot program in New Jersey and recently was expanded statewide. However, there remain a number of obstacles to implementation of a similar program in Hawaii that include ensuring the veracity of allegations, establishing computer inter-connectivity between the police departments and the courts, and providing notice of issuance of a temporary restraining order to the victim and to the police.

Accordingly, your Committee has amended the measure by:

SB2806 SD1 SSCR LRB 08-1770.doc



- (1) Authorizing, but not requiring, the Judiciary to establish a pilot program, to consider the New Jersey program and its features, and to submit reports to the Legislature;
- (2) Limiting any pilot program to Family Court proceedings; and
- (3) Changing the effective date of the measure to July 1, 2080, to facilitate further discussion of the issues.

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. 2806, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2806, 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



