

WRITTEN ONLY

TESTIMONY BY GEORGINA K. KAWAMURA  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
STATE OF HAWAII  
TO THE HOUSE COMMITTEE ON JUDICIARY  
ON  
HOUSE BILL NO. 3009, H.D. 1

February 7, 2008

RELATING TO DOMESTIC VIOLENCE

House Bill No. 3009, H.D. 1, establishes fines for the abuse of a family or household member and requires the Director of Finance to remit the fines to the Spouse and Child Abuse Special Account.

Although we have no objections to the task of remitting the fines to the special fund, we should not be held responsible for determining the amount of the fines to be remitted. Furthermore, it would seem more appropriate that the agency that collects the fines should also be the one to remit the fines to the special fund.

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**Testimony of the Office of the Public Defender,  
State of Hawaii to the House Committee on Judiciary**

Hrg: Thursday, February 7, 2008, 5:30 p.m.  
5 copies required

**H.B. No. 3009 HD1:            RELATING TO DOMESTIC VIOLENCE**

Chair Waters and Members of the Committee:

We oppose the passage of H.B. No. 3009 HD1 which creates mandatory minimum fines for violations of HRS § 709-906, Abuse of a Family or Household Member. The bill provides that the funds be deposited in a special account called the "spouse and child abuse special account." Under HRS § 601-3.6(b), these funds are to be used by the judiciary for "staff programs and grants or purchases of services that support spouse or child abuse intervention or prevention."

All fines collected by the courts should go directly into the state general fund. The courts should not be used as a fundraising tool by the judiciary or any other branch of government. Measures such as these directly affect the impartiality of the individual judges who hear these cases. Records and statistics are kept on the dispositions of cases by judges and this type of measure sets up potential rewards for judges who impose and collect the highest fine amounts which directly benefit the judiciary and its programs.

Judges can receive plum assignments and even garner support for elevation to higher courts if they are deemed successful in fiscally benefiting the judiciary. They are also subject to undue pressure and criticism if they fail to collect levels of fines which the administration would deem "reasonable."

Finally, this bill ignores the reality that a majority of offenders under §709-906 are indigent, require the services of the public defender and are unable to afford the fines in the amounts specified. This bill simply sets up such offenders for future failure within the system and an inability to move on with their lives. We would note that the law already provides for a mandatory jail term for a violation of the law. Thus, such offenses are currently dealt with in a serious manner.

Thank you for the opportunity to comment on this bill.

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**HB 3009, HD1 RELATING TO DOMESTIC VIOLENCE**  
House Committee on Judiciary

February 7, 2008  
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5:30 p.m.

Room

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The Office of Hawaiian Affairs is providing testimony in support of HB 3009, HD1. Our interest in this issue is primarily based on the following: (1) our concerns that there are approximately 26,000 elderly Hawaiians residing in Hawaii, many whom are confronted with a myriad of challenges that may prevent them from living out the rest of their lives in safety, comfort, and dignity; and (2) the growing incidences of abuse and violence on our children.

OHA strongly supports this measure because it partly addresses fundamental concerns about the health and safety of our kupuna and children who, because of their vulnerability, are often preyed upon by those who are entrusted with their care. We believe the minimum and maximum fines for abuse of a family or household member mandated by this bill will serve as a deterrent to abuse and ultimately, to its prevention.

Ensuring that our kupuna and children are properly cared for is of utmost importance to OHA, and we urge your passage of this bill.

Mahalo nui loa for the opportunity to present testimony.

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