

STAND. COM. REP. NO. 335

Honolulu, Hawaii
Fe 4 18, 2009

RE: H.B. No. 1524
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 1524 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL CONTEMPT OF COURT,"

begs leave to report as follows:

The purpose of this bill is to prevent the courts from imprisoning victims of sexual assault and domestic violence for contempt of court if they refuse to testify about those specific incidents.

The Hawaii State Coalition Against Domestic Violence and a concerned individual testified in support of this bill. The Prosecuting Attorney and County of Maui Prosecuting Attorney testified in opposition to this measure.

The factors involved in compelling domestic violence victims to testify against their abuser are myriad and complex. Victims present legitimate reasons to avoid testifying while victim testimony appears to be a central element in convictions. As such, the Office of the Prosecuting Attorney and the Office of the Public Defender have agreed to undertake a study involving interested and willing stakeholders to examine the factors surrounding victim testimony in domestic violence cases. Your Committee emphasizes that all parties have agreed to serve without compensation and, therefore, no appropriations have been added to this measure.



Your Committee has amended this bill by:

- (1) Removing the statutory amendments prohibiting domestic violence victims from being held in contempt of court for refusing to testify;
- (2) Removing references to sexual assault;
- (3) Adding provisions directing the Office of the Prosecuting Attorney and the Office of the Public Defender to collaborate on a study examining the issue of victim testimony in domestic violence cases; and
- (4) Directing the cooperating agencies to submit a report to the Legislature with recommendations for appropriate legislation.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1524, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1524, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,


JOHN M. MIZUNO, Chair



