

STAND. COM. REP. NO. 331

Honolulu, Hawaii
Feb 18, 2009

RE: H.B. No. 892
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. 892 entitled:

"A BILL FOR AN ACT RELATING TO PROTECTIVE ORDERS,"

begs leave to report as follows:

The purpose of this bill is to prevent unintended or inadvertent violations of protective orders by requiring court review of protective orders every three years where the duration of the protective order exceeds three years.

The Office of the Public Defender and a concerned individual testified in support of this bill. The Judiciary and Domestic Violence Action Center opposed this measure.

Your Committee notes that, according to the Judiciary, periodic court reviews are unnecessary because under current procedures, both parties can and do file motions with the court--a straightforward and efficient process--to seek modification or dismissal of a protective order. Your Committee also notes the concern raised that periodic court reviews may place unwarranted burden on victims who simply want to move on with their lives rather than have to continually prove the need for a protective order to remain in force.



Your Committee has amended this bill by:

- (1) Specifying that in making a determination of whether a protective order should remain in force, the court shall consider evidence of abuse and threats of abuse that occurred subsequent to and not just prior to the initial restraining order; and
- (2) Changing its effective date to January 1, 2050, to encourage further discussion.

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. 892, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 892, 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



