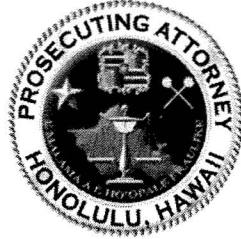


DEPARTMENT OF THE PROSECUTING ATTORNEY
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LATE
Testimony

**THE HONORABLE JOHN M. MIZUNO, CHAIR
THE HONORABLE TOM BROWER, VICE CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES**

**TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION OF 2009**

February 9, 2009

RE: HOUSE BILL 1020; RELATING TO THE PENAL CODE

Good morning, Chair Mizuno and members of the House Committee on Human Services, the Department of the Prosecuting Attorney submits the following testimony in support of the purpose and intent of House Bill 1020, but we prefer the similar, but somewhat more accurate H.B. 229, which incorporates amendment in Sections 4 and 5 that track changes in the relevant statutes that were made in 2007 and 2008.

The purpose of this bill is to provide an enhanced grade of offense for specified crimes committed against victims of domestic violence who are protected by an order issued pursuant to *Hawaii Revised Statutes Chapter 586* or by a 24 hour period of separation and who are killed, assaulted, or threatened by the person who is the subject of a restraining order or period of separation.

Domestic violence is a widespread and serious problem across the United States as well as Hawaii. It has been estimated that up to 3 million American women are physically abused by their husbands or boyfriends each year. And in an effort to protect these victims from further abuse, laws were passed such as the 24 hour period of separation and creation of restraining orders specifically designed to protect domestic violence victims. Domestic violence victims who have sought the shelter of these laws should be able to benefit from the added legal protection that these statutes were designed to provide. Victims who demonstrate the courage to come out from under the vicious cycle of domestic abuse must be assured that the criminal justice process affords an adequate deterrent for those whose persistent violent behavior ignores the dignity and integrity of a lawful order of a judge or law enforcement officer. Currently, a small, but significant minority of domestic violence perpetrators insist on continuing their

threats, abuse, and intimidation despite receiving specific verbal and written warnings from lawful authority to cease and desist their violent conduct. A sample case involving such an offender creates an excellent example of why a greater deterrent is needed for habitual domestic violence offenders. This defendant, despite fifteen (15) arrests and nine (9) convictions for violating orders issued under Chapter 586 has never served more than thirty days in jail. Recalcitrant abusers like this individual need a stronger message that this type of behavior will not be tolerated. The victims of domestic violence in this state need to be reassured that our domestic violence laws are more than simply words on a piece of paper. A meaningful commitment to their protection is now required. Unfortunately for the victim of the perpetrator described above she subsequently nearly lost her life and the life of her child before her abuser was ever charged with a felony. He was subsequently convicted of a reduced charge due to the victim's desire to move to the mainland to escape the defendant's violence. We can and should provide better protection for victims of domestic violence in Hawai'i. For this reason, we support an enhancement in the grade of offense when a defendant threatens, assaults, or murders a domestic violence victim under the protection of the period of separation provided under H.R.S. Section 709-906 or an order issued pursuant to H.R.S. Chapter 586, as contained in this bill.

We respectfully request your favorable consideration of H.B. 229 in place of H.B. 1020, for the reasons cited in the first paragraph above. Thank you for your time and consideration.

~~Cynthia Nyross~~

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Sunday, February 08, 2009 4:42 PM
To: HUS testimony
Subject: HB1020 to be heard Monday, February 9th at 8:15am by the House Committee on Human Services

TO: Representative John Mizuno, Chair
Representative Tom Brower, Vice Chair
Members of the Committee on Human Services

FROM: Dara Carlin, M.A.
Oahu VOICES
716 Umi Street, Suite 210
Honolulu, HI 96819
(808) 832-9316 X106

LATE
Testimony

DATE: February 9, 2009

RE: Strong Support for HB1020

This proposal is simply good and happy news to domestic violence victim-survivors. The pursuit of protection is why the victims seek third party intervention to begin with (because their abuser has usually made it quite clear that they will NEVER be safe or free from them). Supporting this measure will not only reassure the victims but will let the abusers know, in no uncertain terms, that their days of victimizing and terrorizing are coming to an end.

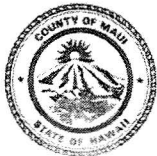
Thank you for your time and consideration.

Respectfully,

Dara Carlin, M.A.
Oahu VOICES Representative

Windows Live™: E-mail. Chat. Share. Get more ways to connect. [Check it out.](#)

Windows Live™: E-mail. Chat. Share. Get more ways to connect. [Check it out.](#)



CHARMAINE TAVARES
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THOMAS M. PHILLIPS
CHIEF OF POLICE

GARY A. YABUTA
DEPUTY CHIEF OF POLICE

February 6, 2009

The Honorable John M. Mizuno, Chair
and Members of the Committee on Human Services
House of Representatives
State Capitol
Honolulu, Hawaii 96813

LATE
Testimony

Dear Chair Mizuno and Members:

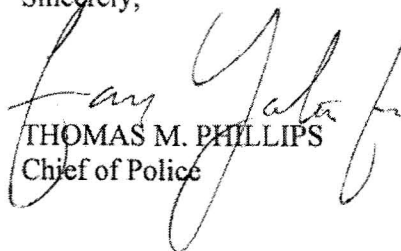
SUBJECT: House Bill No. 1020, Related to Penal Code.

The purpose of this bill is to provide greater protection to victims of domestic violence whom the courts and police are attempting to keep safe through family court domestic abuse protective orders, and through police orders requiring family or household members to leave premises. This bill also upgrades manslaughter to murder if it is committed against a protected victim as well as the offense of terroristic threatening.

The Maui County Police Department strongly supports House Bill No. 1020, Relating to the Penal Code, and humbly asks your support for the passage of this legislation.

Thank for the opportunity to testify.

Sincerely,


THOMAS M. PHILLIPS
Chief of Police