

karamatsu3-Leanne

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Monday, March 02, 2009 8:30 PM
To: JUDtestimony
Subject: HB1229 to be heard Tuesday, March 3rd at 2:00pm by the House Judiciary Committee in Room 325

Importance: High

TO: Representative Karamatsu, Chair
Representative Ito, Vice Chair
Members of the Judiciary Committee

FROM: Dara Carlin, M.A.
881 Akiu Place
Kailua, HI 96734
(808) 218-3457

DATE: March 3, 2009

RE: Support for HB1229 with suggestions and a concern

One of the biggest myths about domestic violence (DV) is that the abuse is over once she leaves; for thousands of DV survivors, stalking and harassment becomes a part of their "new lives". At the present time, 604-10.5 is very limited and does not do an adequate job of encompassing the many forms of harassment that perpetrators have so creatively come up with. As illustrated in HB615, the age of electronics has proved to be a new avenue of abuse to those who would seek to use technology in such a manner.

While this section of the statute is not being focused on in this proposal, I just wanted to suggest for consideration the following:

Expanding the definition of harassment to include the following language (in **bold**)

" H a r a s s m e n t " m e a n s :

(1) P h y s i c a l h a r m , b o d i l y i n j u r y , a s s a u l t , o r t h e t h r e a t o f i m m i n e n t p h y s i c a l h a r m , b o d i l y i n j u r y , o r a s s a u l t ;

o r

(2) A n i n t e n t i o n a l o r k n o w i n g c o u r s e o f c o n d u c t d i r e c t e d a t a n i n d i v i d u a l t h a t s e r i o u s l y a l a r m s o r d i s t u r b s , **annoys, intimidates, torments, causes fear, humiliation or extreme emotional distress**, consistently or continually bothe rs the individual, and that serves no legitimate purpose; provided th at such course of conduct would cause a reasonable person to suffer e m o t i o n a l d i s t r e s s , **evoke a response of long-term fear or anxiety or that would cause the other person to reasonably believe that the other intends to damage to the property of the recipient or another.**

Other forms of harassment not currently addressed in statute to consider would be:

- the publicizing of private facts without the other person's explicit consent

- creating publications that places a person in a false and misleading light
- promoting a person's name or likeness maliciously that may place that person at physical risk or emotional harm by others

The only concern I have about authorizing notice of the hearing by publication is that the petitioner's name not be listed in the publication. If the point is to notify the respondent, whose presumed to be avoiding service, the only relevant information necessary to notify would be the name of the respondent and the hearing date. My concern is that listing the petitioner's name is cause for the respondent to become angry/enraged with the petitioner's attempt at protection which could have unintended, potentially lethal results.

Thank you for your time and consideration.

Most respectfully,

Dara Carlin, M.A.

Independent Domestic Violence Survivor Advocate

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karamatsu3-Leanne

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 02, 2009 10:18 PM
To: JUDtestimony
Cc: peni@hawaii.rr.com
Subject: Testimony for HB1229 on 3/3/2009 2:00:00 PM

Testimony for JUD 3/3/2009 2:00:00 PM HB1229

Conference room: 325
Testifier position: support
Testifier will be present: Yes
Submitted by: Penny Hackney
Organization: Individual
Address: 3911 Nioi Place Honolulu, HI
Phone: 735 0828
E-mail: peni@hawaii.rr.com
Submitted on: 3/2/2009

Comments:

For 4 1/2 years we have lived in Wilhelmina we have been harassed by a neighbor and in sept 08 I filed a TRO against her. Officer's tried for 90 days and they were never able to serve her. One officer told me that she told an officer through a closed door to get off her porch she wasn't signing anything. Each time I had to go to court and ask them to please continue to try and server her. The first TRO was dismissed and I re filed and included her husband after he called our home and talked to my husband while I was in court . After going to court twice I contacted Major Green at HPD and finally the husband was server but lied to officer's and said she wasn't home. We went to court in Dec. and I asked the judge to please tell me another way I can have her served and he told me Hawaii law does not allow for TRO's to be served any other way and that if I want to do something about that to take it up with legislators. Our next court visit the judge called us up and off the record she chastised my husband and I for not have her served yet while her husband stood right next to us. The judge's act annoyed to keep seeing me over and over. And while I have been at court trying to stop her harassment she continues to harass us with complaint's to city and county inspector, the Health dept and even lied to Child Service's claiming we abuse our daughter. I am surprised that it is so easy to avoid service of a TRO. the law should allow another way for serving TRO's when the respondent is avoiding personal service.