

Honolulu, Hawaii

Feb 26, 2010

RE: H.B. No. 2796
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2796 entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE ORDERS,"

begs leave to report as follows:

The purpose of this bill is to ensure that domestic abuse victims are afforded continuous protection under temporary restraining orders (TROs) or protective orders, by authorizing a TRO to remain in effect for 90 days or until service of a protective order, whichever occurs first.

This bill also provides for protective orders issued orally in court to be effective upon service of the respondent.

The Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Domestic Violence Action Center and Hawaii State Coalition Against Domestic Violence testified in support of this bill. The Office of the Public Defender opposed this measure.

Your Committee has amended this bill by:

- (1) Clarifying that the protective order must be personally served to take effect;
- (2) Clarifying that if the respondent is present at the hearing at which the protective order is granted, the



protective order takes effect as of the date of the hearing;

- (3) Changing the effective date to December 21, 2058, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2796, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2796, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



JON RIKI KARAMATSU, Chair



