

Honolulu, Hawaii

April 28, 2011

RE: H.B. No. 1003  
H.D. 2  
S.D. 2  
C.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1003, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to provide greater protection to victims of domestic violence by establishing first and second degree murder, second degree assault, and first degree terroristic threatening for a person who causes death or bodily injury to a person or threatens a person who:

- (1) The defendant has been restrained, by order of any court from contacting, threatening, or physically abusing pursuant to domestic abuse protective orders; or



- (2) Is being protected by a police officer ordering the defendant to leave the premises of that protected person during the effective period of the restraining order.

Additionally, this bill establishes that a person commits the offense of murder in the first degree if the person intentionally or knowingly causes the death of a person known by the defendant to be a witness in a family court proceeding and the killing is related to the person's status as a witness.

Your Committee on Conference has amended this bill by:

- (1) Removing language that establishes second degree murder for a person who recklessly causes the death of a person who:
  - (A) The defendant has been restrained from, by order of any court, contacting, threatening, or physically abusing pursuant to domestic abuse protective orders; or
  - (B) Is being protected by a police officer ordering the defendant to leave the premises of that protected person during the effective period of the restraining order;

and

- (2) Removing language specifying that second degree assault is established for a person who recklessly causes bodily injury to a person who:
  - (A) The defendant has been restrained from, by order of any court, contacting, threatening, or physically abusing pursuant to domestic abuse protective orders; or
  - (B) Is being protected by a police officer ordering the defendant to leave the premises of that protected person during the effective period of the restraining order.



As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1003, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1003, H.D. 2, S.D. 2, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE

*Suzanne Chun Oakland*

SUZANNE CHUN OAKLAND, Chair

*Clayton Hee*

CLAYTON HEE, Co-Chair

*John M. Mizuno*

JOHN M. MIZUNO, Co-Chair

*Gilbert Keith-Agaran*

GILBERT KEITH-AGARAN, Co-Chair



