

STAND. COM. REP. NO.

318

Honolulu, Hawaii

Feb 16, 2011

RE: H.B. No. 968
H.D. 1

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

Sir:

Your Committee on Human Services, to which was referred H.B. No. 968 entitled:

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

begs leave to report as follows:

The purpose of this bill is to amend the domestic abuse protective order by:

- (1) Specifying that a temporary restraining order may, at the court's discretion, remain in effect for up to 90 days from the date the order is granted or until service of a protective order, whichever occurs first; and
- (2) Making protective orders that are orally stated by the court on the record effective upon service of the protective order upon the respondent.

The Police Department of the City and County of Honolulu, Hawaii State Coalition Against Domestic Violence, and a concerned individual testified in support of this bill. The Office of the Public Defender opposed this measure. The Judiciary, Department of the Prosecuting Attorney, and a concerned individual provided comments.

HB968 HD1 HSCR HUS HMS 2011-2045

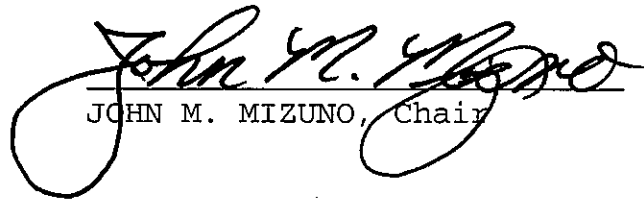


Your Committee amended this bill by:

- (1) Allowing a temporary restraining order to remain in effect for 180 days from the date the order is granted or until the effective date of a protective order that is issued by the court, whichever occurs first;
- (2) Clarifying that protective orders orally stated by the court on the record are effective on the date of the hearing if the respondent attends the hearing or, if the respondent was served but failed to appear, upon service of the protective order upon the respondent; and
- (3) Changing the effective date to July 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. 968, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 968, 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



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 318

Record of Votes of the Committee on Human Services

Bill/Resolution No.: HB 968	Committee Referral: HUS, JUD	Date: 2/07/2011		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HUS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	✓			
2. JORDAN, Jo (VC)	✓			
3. BELATTI, Della Au				✓
4. HANOHANO, Faye P.	✓			
5. LEE, Chris	✓			
6. MORIKAWA, Dee	✓			
7. WOOLEY, Jessica	✓			
8. YAMANE, Ryan I.	✓			
9. CHING, Corinne W.L.	✓			
10. PINE, Kymberly Marcos				✓
TOTAL (10)	8			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align: center; font-size: 24pt; font-family: cursive;">[Signature]</div>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				