

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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**LATE  
Testimony**

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE JOHN M. MIZUNO, CHAIR  
HOUSE HUMAN SERVICES COMMITTEE  
Twenty-sixth State Legislature  
Regular Session of 2011  
State of Hawai'i

February 2, 2011

RE: H.B. 135; RELATING TO DOMESTIC ABUSE ORDERS.

Chair Mizuno, Vice Chair Jordan, and members of the House Committee on Human Services, the Department of the Prosecuting Attorney, City and County of Honolulu submits the following testimony in support of H.B. 135.

The purpose of H.B. 135 is to amend Sections 586-5 and 586-5.6, Hawaii Revised Statutes ("HRS"), to ensure that Temporary Restraining Orders ("TRO") issued pursuant to HRS Chapter 586 remain in effect for ninety days or until the service of a Protective Order upon the respondent, whichever occurs first. This language better clarifies the current process.

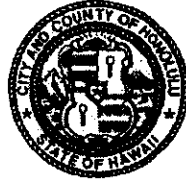
For this reason, the Department of the Prosecuting Attorney of the City and County of Honolulu supports H.B. 135. Thank you for this opportunity to testify.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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**LATE**  
Testimony

PETER B. CARLISLE  
MAYOR



LOUIS M. KEALOHA  
CHIEF

DELBERT T. TATSUYAMA  
RANDAL K. MACADANGDANG  
DEPUTY CHIEFS

OUR REFERENCE KK-DNK

February 3, 2011

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

Dear Chair Mizuno and Members:

Subject: House Bill No. 135, Relating to Domestic Abuse Orders

I am Kurt Kendro, Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD strongly supports the passage of House Bill No. 135. The passing of this bill would close a loophole that currently exists when dealing with temporary restraining orders (TRO) and protective orders (PO).


If someone petitions a court for a TRO and it has been properly served, the order is generally valid for up to 90 days. If that person then petitions a court for a PO, the TRO is immediately rendered invalid. This becomes problematic if the respondent has not been properly served with a copy of the PO. As a result, the petitioner does not have the protection of either the TRO or the PO until the respondent is properly served, regardless of the expiration date of the TRO.


By passing this bill, the TRO will remain valid until the respondent is served with a PO or the expiration date of the TRO, whichever occurs first.

Thank you for the opportunity to testify.

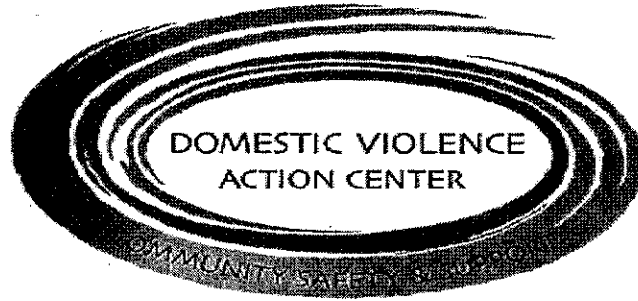
APPROVED:

Sincerely,

  
LOUIS M. KEALOHA  
Chief of Police

  
KURT B. KENDRO, Major  
Records and Identification Division

*Serving and Protecting With Aloha*



**LATE**  
Testimony

February 02, 2011

FROM: Nanci Kreidman, M.A.  
Domestic Violence Action Center

TO: Rep. John M. Mizuno, Chair  
Rep: Jo Jordan, Vice Chair  
Members of the Committee

RE: **HB 135 Support**  
Hearing Date: Thursday, February 03, 2011, 9:00am, Conf. Rm 329

Aloha and good morning. Thank you for the opportunity to provide this testimony in support of HB 135.

Temporary restraining orders are very effective tools for victims seeking safety from their abusers. In the vast majority of instances they impact positively the victim's safety and deliver an important message to the perpetrator that abuse is not condoned, and that they must abide by conditions set forth by the Court. This is designed to keep the victim safe.

All the parts of the civil and criminal justice system must work in concert for a restraining order and a protective order to be effective. The abuser must be served with a court order so that he understands the conditions, and so that law enforcement can respond to any violations, should they occur. If the temporary restraining order expires before service is completed, the victim does not have a valid order and the abuser cannot be held accountable by the criminal justice system.

This bill closes a gap that is in the best interest of the community's response to domestic violence, designed with victim safety as a priority.

Thank you for considering passage of HB 135.

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