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# A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to title 31 to be appropriately designated  
3 and to read as follows:

4 **"CHAPTER**

5 **LAW ENFORCEMENT AGENCIES DOMESTIC VIOLENCE POLICY**

6 **§ -1 Definitions.** As used in this chapter:

7 "Agency" means any county police department, the department  
8 of public safety, or any state or county public body that  
9 employs law enforcement officers.

10 "Dating relationship" means a romantic, courtship, or  
11 engagement relationship, often but not necessarily characterized  
12 by actions of an intimate or sexual nature, but does not include  
13 a casual acquaintanceship or ordinary fraternization between  
14 persons in a business or social context.

15 "Domestic violence" means:

16 (1) Physical harm, bodily injury, or assault, or the  
17 threat of imminent physical harm, bodily injury, or



1 assault, extreme psychological abuse, or malicious  
2 property damage between family or household members;  
3 or

4 (2) Any act which would constitute an offense under  
5 section 709-906, or under part V or VI of chapter 707  
6 committed against a minor family or household member  
7 by an adult family or household member.

8 "Extreme psychological abuse" means an intentional or  
9 knowing course of conduct directed at an individual that  
10 seriously alarms or disturbs consistently or continually bothers  
11 the individual, and that serves no legitimate purpose; provided  
12 that such course of conduct would cause a reasonable person to  
13 suffer extreme emotional distress.

14 "Family or household member" means spouses or reciprocal  
15 beneficiaries, former spouses or former reciprocal  
16 beneficiaries, persons who have a child in common, parents,  
17 children, persons related by consanguinity, persons jointly  
18 residing or formerly residing in the same dwelling unit, and  
19 persons who have or have had a dating relationship.

20 "Law enforcement officer" means all positions that require  
21 the possession of firearms, including a sheriff, deputy sheriff,  
22 police officer, parole officer, or probation officer.



1 "Malicious property damage" means intentional or knowing  
2 damage to the property of another, without consent, with an  
3 intent to thereby cause emotional distress.

4 **§ -2 Domestic violence policy; adoption; implementation.**

5 (a) By January 1, 2013, every agency shall adopt and implement  
6 a written policy on domestic violence committed or allegedly  
7 committed by law enforcement officers of the agency that meets  
8 the minimum standards specified in this section. In developing  
9 its policy, each agency shall consult public and private non-  
10 profit domestic violence advocates and any other organizations  
11 and professions the agency finds appropriate.

12 (b) The policy shall provide due process for law  
13 enforcement officers and, at a minimum, shall provide:

14 (1) Prehire screening procedures reasonably calculated to  
15 disclose whether an applicant for a law enforcement  
16 officer position:

17 (A) Has committed or, based on credible sources, has  
18 been accused of committing an act of domestic  
19 violence; or

20 (B) Is currently or has previously been subject to  
21 any order under chapter 586;



- 1 (2) Procedures for mandatory and immediate response to  
2 acts or allegations of domestic violence committed or  
3 allegedly committed by a law enforcement officer;
- 4 (3) Information to a law enforcement officer, upon the  
5 request of the law enforcement officer or when the law  
6 enforcement officer has been alleged to have committed  
7 an act of domestic violence, on domestic violence  
8 prevention programs;
- 9 (4) Procedures for mandatory and immediate reporting by  
10 agency employees when an employee becomes aware of an  
11 allegation of domestic violence committed or allegedly  
12 committed by a law enforcement officer of the agency;
- 13 (5) Procedures to address reporting by an agency employee  
14 who is the victim of domestic violence committed or  
15 allegedly committed by a law enforcement officer;
- 16 (6) Procedures for mandatory and immediate self-reporting  
17 by a law enforcement officer to the officer's  
18 employing agency when the agency has responded to a  
19 domestic violence call in which the law enforcement  
20 officer committed or allegedly committed an act of  
21 domestic violence;



- 1           (7) Procedures for mandatory and immediate self-reporting  
2           by a law enforcement officer to the officer's  
3           employing agency if the officer is currently or has  
4           previously been subject to any order under chapter  
5           586;
- 6           (8) Procedures for the initiation of prompt, separate, and  
7           impartial administrative and criminal investigations  
8           of acts or allegations of domestic violence committed  
9           or allegedly committed by a law enforcement officer;
- 10          (9) Policies for appropriate action to be taken during an  
11          administrative or criminal investigation of acts or  
12          allegations of domestic violence committed or  
13          allegedly committed by a law enforcement officer;  
14          provided that the policy shall provide procedures to  
15          determine, in a manner consistent with applicable law  
16          and the agency's ability to maintain public safety,  
17          whether to relieve the law enforcement officer of  
18          agency-issued weapons and other agency-issued property  
19          and whether to suspend the law enforcement officer's  
20          power of arrest or other powers pending resolution of  
21          any investigation;



- 1 (10) Procedures for prompt and appropriate discipline or  
2 sanctions when, after an agency investigation, it is  
3 determined that a law enforcement officer has  
4 committed an act of domestic violence;
- 5 (11) That when there has been an allegation of domestic  
6 violence committed or allegedly committed by a law  
7 enforcement officer, the agency shall immediately make  
8 available to the alleged victim the following  
9 information:
- 10 (A) The agency's written policy on domestic violence  
11 committed or allegedly committed by a law  
12 enforcement officer;
- 13 (B) Information, including but not limited to contact  
14 information, about public and private non-profit  
15 domestic violence advocates and services; and
- 16 (C) Information regarding relevant confidentiality  
17 policies related to the victim's information;
- 18 (12) Procedures for the timely response to an alleged  
19 victim's inquiries into the status of the  
20 administrative investigation and the procedures the  
21 agency will follow in an investigation of domestic



1 violence committed or allegedly committed by a law  
2 enforcement officer;

3 (13) Procedures requiring an agency to immediately notify  
4 the employing agency of a law enforcement officer when  
5 the notifying agency becomes aware of acts or  
6 allegations of domestic violence committed or  
7 allegedly committed by the law enforcement officer;  
8 and

9 (14) Procedures for agencies to access and share domestic  
10 violence training.

11 **§ -3 Training.** (a) No later than January 1, 2013,  
12 every law enforcement officer hired by an agency before July 1,  
13 2012, shall be trained by the agency on the agency's policy  
14 required under this section.

15 (b) Law enforcement officers hired by an agency on or  
16 after July 1, 2012, shall, within six months of beginning  
17 employment, be trained by the agency on the agency's policy  
18 instituted pursuant to this chapter.

19 **§ -4 Reporting.** No later than twenty days prior to the  
20 convening of each regular session beginning with the regular  
21 session of 2014, every agency shall submit to the legislature  
22 and governor a copy of its policy developed under this section,



1 any revisions to the policy, and a statement as to whether the  
2 agency has complied with the training required under this  
3 section. The copy, revisions, and statement may be provided in  
4 electronic format.

5       **§ -5 Possession of a firearm after issuance of a**  
6 **protective order or conviction for domestic violence.** (a) It  
7 shall be unlawful for any agent to possess a firearm, who is  
8 subject to a court order that:

- 9       (1) Was issued after a hearing of which the agent received  
10           actual notice and at which the agent had an  
11           opportunity to participate;
- 12       (2) Restrains the agent from harassing, stalking, or  
13           threatening an intimate partner of the agent or child  
14           of an intimate partner or the agent, or engaging in  
15           other conduct that would place an intimate partner in  
16           reasonable fear of bodily injury to the intimate  
17           partner or child;
- 18       (3) Includes a finding that the agent represents a  
19           credible threat to the physical safety of an intimate  
20           partner or child; and
- 21       (4) By its terms explicitly prohibits the use, attempted  
22           use, or threatened use of physical force against an





1 intimate partner or child that would reasonably be  
 2 expected to cause bodily injury,  
 3 who has been convicted in any court of a misdemeanor crime of  
 4 domestic violence, unless the conviction was expunged or the  
 5 conviction was set aside.

6 (b) Any domestic violence conviction occurring after April  
 7 1, 1998, shall result in the termination of the agent for  
 8 failing to meet the minimum qualifying requirements for the  
 9 applicable agent and the agent shall not be entitled to any job  
 10 placement rights."

11 SECTION 2. There is appropriated out of the general  
 12 revenues of the State of Hawaii the sum of \$ or so much  
 13 thereof as may be necessary for fiscal year 2012-2013 to assist  
 14 the State and counties in implementing section 1 of this Act.  
 15 The specific appropriations to the police departments of each  
 16 county are as follows:

- 17 (1) City and county of Honolulu \$
- 18 (2) Hawaii county \$
- 19 (3) Maui county \$
- 20 (4) Kauai county \$

21 The specific appropriation to the State is \$ .



1           SECTION 3. The sums appropriated shall constitute the  
2 State's share of the cost of the mandated law enforcement agency  
3 domestic violence policy program under section 1 of this Act, as  
4 required by article VIII, section 5 of the Hawaii State  
5 Constitution.

6           SECTION 4. The sum appropriated to each county policy  
7 department shall be expended by the county police department for  
8 the purposes of this Act. The sum appropriated to the State  
9 shall be expended by the department of human resources  
10 development for the purposes of this Act.

11          SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

Domestic Violence Policy; Law Enforcement Agencies

**Description:**

Requires law enforcement agencies to adopt and implement a written policy on domestic violence committed or allegedly committed by law enforcement officers of the agency by January 1, 2013. Specifies minimum policy standards that must be met by the agency. Establishes policy training deadlines. Specifies penalties for employees of law enforcement agencies who violate the domestic violence policy. Appropriates money for county law enforcement and relevant state agencies. Effective July 1, 2050. (HB1917 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

