

Honolulu, Hawaii

Feb 6, 2012

RE: H.B. No. 1729
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 1729 entitled:

"A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS,"

begs leave to report as follows:

The purpose of this measure is to introduce safeguards involving temporary restraining orders by:

- (1) Requiring petitioners for temporary restraining orders in family court and district court to disclose all pending litigation involving the petitioner;
- (2) Authorizing a family court or district court to meet with the petitioner to receive information to validate the contents of the petition prior to granting a temporary restraining order; and
- (3) Defining the word "imminent" with regard to the type of harm for which a temporary restraining order may be issued.

The Consumer Family Youth Alliance and three concerned individuals supported this measure. A concerned individual supported the intent of this measure. The Domestic Violence Action Center opposed this measure. The Judiciary offered comments on this measure.

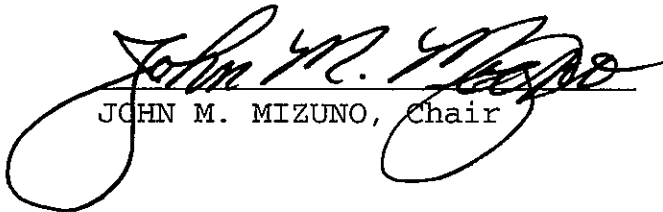


Your Committee has amended this bill by:

- (1) Removing the provision that authorizes a family court or district court to meet with the petitioner to receive information prior to granting a temporary restraining order;
- (2) Clarifying that petitioners for temporary restraining orders need to disclose only current and pending litigation in family court or district court, offenses relating to domestic abuse, or offenses against the person involving the petitioners;
- (3) Changing the effective date to July 1, 2050, to promote 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1729, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1729, 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



