

STAND. COM. REP. NO.

393

Honolulu, Hawaii

Feb 17 , 2011

RE: H.B. No. 238

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. 238 entitled:

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

begs leave to report as follows:

The purpose of this bill is to better protect victims of domestic violence by increasing the minimum jail time and fines that may be imposed for a first time violation of a temporary restraining order on an individual with any prior convictions for certain crimes of violence and sexual assault against a family or household member.

The City and County of Honolulu Department of the Prosecuting Attorney (Prosecutor), Honolulu Police Department, Domestic Violence Action Center, Hawaii State Coalition Against Domestic Violence, and a concerned citizen testified in support of this measure. The Office of the Public Defender (Public Defender) opposed this bill.

Your Committee notes the concerns of the Public Defender that this bill will limit the court's discretion in sentencing and will force jail time in the face of efforts to alleviate overcrowding in prison facilities. Your Committee also notes that the Prosecutor requested that all of the language in House Bill No. 239 be included as part two in this bill.

HB238 HD1 HSCR HUS HMS 2011-2140

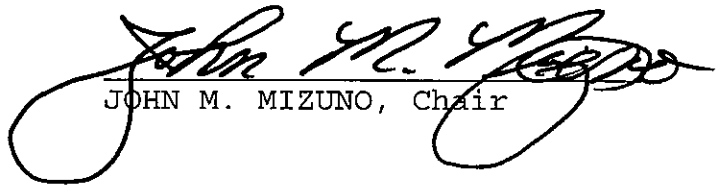


Given the gravity of problem of domestic violence within the community and in light of the disparate positions taken by the Prosecutor and Public Defender, your Committee has determined the measure requires serious consideration and further discussion.

Accordingly, your Committee has amended this measure by 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. 238, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 238, 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



Record of Votes of the Committee on Human Services

Bill/Resolution No.: HB 238	Committee Referral: HUS, JUD	Date: 2/10/2011		
<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)	7			3
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: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align:center; font-size: x-large; font-family: cursive;">GSR</div>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				