

STAND. COM. REP. NO. 651

Honolulu, Hawaii
March 4, 2011

RE: H.B. No. 238
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 238, H.D. 1, 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 Honolulu Police Department, Domestic Violence Action Center, Hawaii State Coalition Against Domestic Violence, and a concerned individual testified in support of this measure. The City and County of Honolulu Department of the Prosecuting Attorney and a concerned individual supported this measure with amendments. The Office of the Public Defender opposed this bill.

Your Committee has amended this bill by:

- (1) Clarifying that the mandatory minimum jail sentence for a person convicted for the first time, with specified prior convictions, for violation of a temporary restraining order may not be suspended;



- (2) Changing its effective date to January 7, 2059, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 238, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 238, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



GILBERT KEITH-AGARAN, Chair



