

STAND. COM. REP. NO. 2063

Honolulu, Hawaii

FEB 08 2012

RE: H.B. No. 238
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 238, H.D. 2, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to create special sentencing provisions for a first time temporary restraining order offender who has a prior conviction for a specified felony offense committed against a family or household member.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu. Testimony in opposition to this measure was submitted by the Office of the Public Defender. The Department of the Attorney General submitted comments.

Your Committee finds that existing law requires a person who has a first conviction for a violation of a temporary restraining order to serve a minimum jail sentence of forty-eight hours and be fined no less than \$150 and no more than \$500. Adding a minimum jail sentence of fifteen days and a fine of no less than \$150 and no more than \$600 for a first time violation of a temporary restraining order offender with a prior conviction for certain felony offenses against a family or household member will aid in the reduction of domestic violence cases.

Your Committee has amended this measure by:

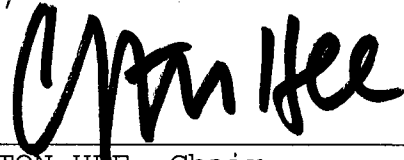
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- (1) Changing the effective date from January 7, 2059, to July 1, 2012; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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

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




CLAYTON HEE, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 238 , HD2	HMS, JDL	1/31/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
TOTAL	4			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes