

STAND. COM. REP. NO.

124

Honolulu, Hawaii

Feb 8 , 2011

RE: H.B. No. 944

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. 944 entitled:

"A BILL FOR AN ACT RELATING TO FAMILY COURTS,"

begs leave to report as follows:

The purpose of this bill is to:

- (1) Allow an alleged victim of domestic abuse who has already received an order of protection, temporary restraining order, or protective order against the accused party to file "Jane Doe"/"John Doe" petitions and other papers, if the filing is reasonably necessary to protect the privacy of the alleged victim and will not unduly prejudice the prosecution or defense; and
- (2) Require courts to seal certain court records associated with "Jane Doe"/"John Doe" cases under specified significant and compelling circumstances.

The Judiciary and a concerned individual provided comments on this bill.

Your Committee has amended this bill by:

- (1) Prior to allowing the filing of "Jane Doe"/"John Doe" petitions and other papers by alleged victims of

HB944 HD1 HSCR HUS HMS 2011-1973

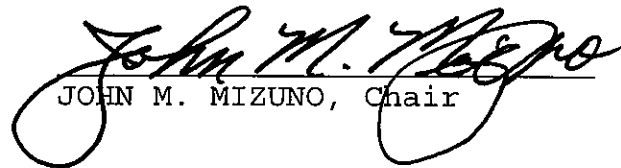


domestic abuse, requiring the court to find significant and compelling circumstances that would make public inspection inconsistent with the purpose of concealing the alleged victim's identity;

- (2) Clarifying that the court shall "make confidential" rather than "seal" "Jane Doe"/"John Doe" court records from the public that would identify the alleged victim; and
- (3) Changing its 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. 944, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 944, 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



