

Honolulu, Hawaii

MAR 02 2012

RE: S.B. No. 223
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
S.B. No. 223 entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE ORDERS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow a temporary restraining order to remain in effect for ninety days or until service of a protective order, whichever occurs first; and
- (2) Amend the law to provide that protective orders orally stated by the court on the record shall be effective upon service on the respondent.

Prior to the hearing of this measure, your Committee posted a proposed S.D. 1 for review and comment. The proposed S.D. 1 deletes the contents of the measure and inserts language that amends section 709-906, Hawaii Revised Statutes, to require a police officer to order a person whom the officer has reasonable grounds to believe has physically abused or harmed a family or household member, to have no contact with the family or household member for a twenty-four hour period, or longer if the incident occurs on the weekend, when the police officer has reasonable grounds to believe that there is probable danger of further physical abuse or harm to the family or household member.



Your Committee received testimony in support of the proposed S.D. 1 from the Hawaii State Commission on the Status of Women, the Department of the Prosecuting Attorney of the City and County of Honolulu, the Domestic Violence Action Center, the YWCA of Kauai Family Violence Shelter, the Hawaii State Coalition Against Domestic Violence, and one private individual. Testimony in opposition to this measure was submitted by the Office of the Public Defender.

Your Committee finds that domestic violence is a public health epidemic and this measure assists in addressing this epidemic by requiring the uniform implementation and issuance of no contact orders. Your Committee further finds that a twenty-four hour no contact period is beneficial to domestic violence victims because it creates a safe period in which the victim may seek refuge in a shelter or use other safety options. A no contact order has the same effect as a temporary restraining order, but victims may use a no contact order when the courts are closed then follow up their request for a temporary restraining order with a no contact order issued by the police as justification.

Your Committee has amended this measure by adopting the proposed S.D. 1.

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 S.B. No. 223, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 223, S.D. 1, and be placed on the calendar for Third Reading.

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



CLAYTON HEE, Chair



