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THE HONORABLE JOHN M. MIZUNO, CHAIR  
HOUSE HUMAN SERVICES COMMITTEE  
Twenty-sixth State Legislature  
Regular Session of 2011  
State of Hawai`i

Thursday, February 9, 2012

RE: H.B. 239; RELATING TO ORDER FOR PROTECTIONS.

Chair Mizuno, Vice Chair Jordan, and members of the House Committee on Human Services, the Department of the Prosecuting Attorney submits the following testimony in support of H.B. 239 that includes enhanced penalties for violation of an order for protection. This bill is part of the Department of the Prosecuting Attorney, City and County of Honolulu's 2011 Legislative Package.

This bill amends section 586-11, Hawaii Revised Statutes (HRS) to add enhanced penalties for a person who has a prior conviction or prior convictions for a violation of an order for protection, and a prior conviction for any of the following felonies: murder in the first degree; murder in the second degree; assault in the first degree; assault in the second degree; kidnapping; unlawful imprisonment in the first degree; sexual assault in the first degree; sexual assault in the second degree; sexual assault in the third degree; continuous sexual assault of a minor under the age of fourteen years; promoting child abuse in the first degree; burglary in the first degree; burglary in the second degree; abuse of family or household members; or aggravated harassment by stalking, and any of these offenses has been committed against a family or household member.

However, after further review, we would like to amend the bill to delete the language "and if any of these offenses has been committed against a family or household member as defined in section 586-1," that is located on p. 3 – lines 1-4; p. 4 – lines 18-21; p. 6 – lines 17-20; p. 9 – lines 1-4; p. 10 – lines 21-22 and p. 11 – line 1; and p. 13 – lines 2-4. By deleting this language, the enhanced penalties applies to persons who has a prior conviction or prior convictions for a violation of an order for protection, and a prior conviction for any of the listed felonies in the bill that was committed against any person, rather than limiting that the felonies were committed against a family or household member as defined in section 586-1.

With this bill and its proposed amendments, a person who has been convicted of a violent crime against any person in the past will face an enhanced penalty if he violates an order for protection. The Department of the Prosecuting Attorney strongly discourages individuals who have a violent history from going down that path again. There have been enough cases where an abusive situation turned deadly. We believe that the addition of this enhanced penalty for a violation of an order for protection will be a tool used in our goal to reduce domestic violence in our society.

For these reasons, we strongly support the passage of H.B. 239 with our proposed amendments. Thank you for this opportunity to testify.