
A BILL FOR AN ACT

RELATING TO DOMESTIC ABUSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The State continues to be plagued by incidents
2 of domestic abuse. Because of the unique nature of this problem
3 and the far-reaching effects of domestic abuse, it would be
4 helpful to establish a dedicated court meant to address domestic
5 abuse cases.

6 The legislature finds that other states have experienced
7 success with domestic abuse courts, which have been shown to
8 result in swift, certain, and consistent responses to domestic
9 abuse, as well as enhanced victim safety and improved access to
10 court case information, social services, housing, and
11 counseling.

12 The purpose of this Act is to authorize the chief justice
13 of the Hawaii supreme court, in consultation with the senior
14 judge of the family court of the first circuit, to establish a
15 domestic abuse court pilot program within the family court of
16 the first circuit for three years.

17 SECTION 2. (a) Notwithstanding any law to the contrary,
18 the chief justice of the Hawaii supreme court, in consultation



1 with the senior judge of the family court of the first circuit,
2 may establish a three-year domestic abuse court pilot program
3 within the family court of the first circuit to which may be
4 referred:

5 (1) Any offense committed against a child by the child's
6 parent or guardian, or by any other person with legal
7 or physical custody of the child;

8 (2) Any violation of section 709-906, Hawaii Revised
9 Statutes;

10 (3) Any adult charged with:

11 (A) An offense, other than a felony, committed
12 against the person of the defendant's spouse or
13 reciprocal beneficiary; or

14 (B) Any violation of an order issued pursuant to
15 chapter 586, Hawaii Revised Statutes; and

16 (4) All proceedings under chapter 586, Hawaii Revised
17 Statutes;

18 provided that upon the motion of a party or sua sponte by the
19 chief justice, the chief justice may assign to the domestic
20 abuse court issues before the family or circuit courts when the
21 chief justice determines that due to their subject matter the
22 assignment is required to ensure the uniform treatment of



1 domestic abuse throughout the State or to otherwise effectuate
2 the purpose of this Act.

3 (b) The judge of any domestic abuse court established
4 pursuant to this Act shall be selected by the chief justice and
5 the senior judge of the family court from the existing family
6 court judges in the first circuit court.

7 (c) The judge selected as the judge of any domestic abuse
8 court established pursuant to this Act shall:

9 (1) Preside over each case from initial appearance through
10 disposition; and

11 (2) Monitor all defendants convicted of domestic abuse by
12 the domestic abuse court and their compliance with
13 orders of protection granted under chapter 586, Hawaii
14 Revised Statutes.

15 (d) The activities of the domestic abuse court may be
16 supported by related case-management and auxiliary and support
17 services, treatment, and intensive supervision mechanisms,
18 including:

19 (1) A resource coordinator who shall be a licensed social
20 worker in the State and whose duties may include:



- 1 (A) Preparing domestic abuse defendant and domestic
2 abuse victim information for the judge of the
3 domestic abuse court;
- 4 (B) Working with relevant agencies and persons,
5 including the department of human services, law
6 enforcement, prosecutors, and defense counsel, to
7 coordinate information and ensure prompt
8 reporting; and
- 9 (C) Screening and referring convicted domestic abuse
10 defendants for court-mandated programs; and
- 11 (2) An on-site victim advocate who shall be a licensed
12 social worker in the State and whose duties may
13 include:
- 14 (A) Serving as a primary contact to victims
15 throughout the court proceedings;
- 16 (B) Coordinating social services for victims with
17 established service organizations that will
18 assist with housing, counseling, and the creation
19 of safety plans for victims; and
- 20 (C) Providing victims with information about court
21 proceedings and special conditions within their
22 orders of protection.



1 (e) Upon conviction and sentencing of a domestic abuse
2 defendant, any domestic abuse court established pursuant to this
3 Act shall have broad authority to:

4 (1) Require the domestic abuse defendant to attend
5 rehabilitation, education, vocation, medical, mental-
6 health, and substance abuse treatment programs; and

7 (2) Monitor for at least one year:

8 (A) The execution of the treatment plan of the
9 domestic abuse defendant;

10 (B) The domestic abuse defendant's compliance with
11 the requirements of the treatment plan, including
12 regular appearances before the domestic abuse
13 court to report on the domestic abuse defendant's
14 progress; and

15 (C) The domestic abuse defendant's compliance with an
16 order of protection granted under chapter 586,
17 Hawaii Revised Statutes.

18 (f) Matters pending in or under supervision of any
19 domestic abuse court established pursuant to this Act as of the
20 repeal date of this Act shall be transferred to the jurisdiction
21 of the appropriate court as determined by the chief justice, in
22 the chief justice's sole discretion.



1 (g) The judiciary shall submit an annual report on any
2 domestic abuse court pilot program established pursuant to this
3 Act with findings and recommendations to the legislature no
4 later than twenty days prior to the convening of the 2014, 2015,
5 and 2016 regular sessions.

6 SECTION 3. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so much
8 thereof as may be necessary for fiscal year 2013-2014 and the
9 same sum or so much thereof as may be necessary for fiscal years
10 2014-2015 and 2015-2016 for the domestic abuse court pilot
11 program; provided that the sums appropriated herein shall only
12 be released to the judiciary to be expended for the purposes of
13 this Act if the chief justice, in consultation with the senior
14 judge of the family court of the first circuit, does establish a
15 domestic abuse court pilot program within the family court of
16 the first circuit pursuant to this Act.

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.



1 SECTION 5. This Act shall take effect on July 1, 2013, and
2 shall be repealed on June 30, 2016.

3

INTRODUCED BY:

John M. Medda
Tom Bosh
DA
John A
Byron
Richard Zeh
Jim Wood
Karen Curran

JAN 18 2013



H.B. NO. 267

Report Title:

Domestic Abuse Court Pilot Project; Appropriation

Description:

Authorizes the establishment of a Domestic Abuse Court Pilot Program. Appropriates funds. Effective July 1, 2013, and repeals on June 30, 2016.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

