

Honolulu, Hawaii

February 8, 2013

RE: H.B. No. 231

H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 231 entitled:

"A BILL FOR AN ACT RELATING TO USE OF FORCE BY PERSONS WITH SPECIAL RESPONSIBILITY FOR CARE, DISCIPLINE, OR SAFETY OF OTHERS,"

begs leave to report as follows:

The purpose of this measure is to clarify the types of physical force presumed unjustifiable when used by a parent, guardian, or other similarly-situated person to discipline minors, for the purpose of responding to charges of abuse of a family or household member, assault, or other criminal charges.

The Department of the Prosecuting Attorney of the City and County of Honolulu; Office of the Prosecuting Attorney, County of Kauai; and IMUAlliance testified in support of this measure. The Office of the Public Defender testified in opposition to this bill.

Your Committee has amended this measure by:

- (1) Making it a rebuttable presumption that the types of force specified are unjustifiable;
- (2) Removing striking on the face as one of the types of force presumed unjustifiable; and



- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 231, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 231, H.D. 1, and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



HSCR 254

State of Hawaii  
House of Representatives  
The Twenty-seventh Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 231	Committee Referral: Jud	Date: 31 SEP 1/25/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	X			
2. HAR, Sharon E. (VC)	X			
3. BELATTI, Della Au				X
4. BROWER, Tom				X
5. CABANILLA, Rida T.R.				X
6. CARROLL, Mele				X
7. ITO, Ken	X			
8. KAWAKAMI, Derek S.K.	X			Xe SEP
9. LEE, Chris	X			
10. TSUJI, Clift	X			
11. WOOLEY, Jessica				X
12. MCDERMOTT, Bob	X			
13. THIELEN, Cynthia	X			
TOTAL (13)	8			5
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				