

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE HENRY J.C AQUINO, CHAIR**  
**HOUSE COMMITTEE ON PUBLIC SAFETY**  
**Twenty-Seventh State Legislature**  
**Regular Session of 2014**  
**State of Hawai'i**

January 30, 2014

**RE: H.B. 1570; RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.**

Chair Aquino, Vice-Chair Ing, and members of the House Committee on Public Safety, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony in support of House Bill 1570.

H.B. 1570 extends the period of separation that a police officer can order a person under suspicion of physical abuse or harm to 4:30 p.m. on the second business day following the weekend or legal holiday if the forty-eight hour period of separation expires on any Saturday, Sunday, or legal holiday or if the incident occurs after 12:00 p.m. on any Friday, or on any Saturday, Sunday, or legal holiday.

The intent of having the 48-hour period of separation is to keep the abuser away from the victim and give the victim time to get a restraining order and safe shelter. Currently, if an abuse happens over the weekend or holiday, all government agencies and many private organizations are closed while the clock is ticking away. This measure will give the time needed for victims to get help and legal protection.

For all of the reasons stated above, the Department of the Prosecuting Attorney of the City and County of Honolulu supports H.B. 1570. Thank for you the opportunity to testify on this matter.

MITCHELL D. ROTH  
PROSECUTING ATTORNEY

DALE A. ROSS  
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**OFFICE OF THE PROSECUTING ATTORNEY**

TESTIMONY IN SUPPORT OF HOUSE BILL 1570

A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR  
HOUSEHOLD MEMBER

HOUSE COMMITTEE ON PUBLIC SAFETY

Rep. Henry J.C. Aquino, Chair

Rep. Kaniela Ing, Vice Chair

Thursday, January 30, 10:00 AM  
State Capitol, Conference Room 309

Honorable Chair Aquino, Vice-Chair Ing, and Members of the House Committee on Public Safety, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 1570.

This measure will extend the period of separation that a police officer can order under suspicion of physical abuse or harm to 4:30 p.m. on the second business day following the weekend or legal holiday if the forty-eight hour period of separation expires on any Saturday, Sunday, or legal holiday or if the incident occurs after 12:00 p.m. on any Friday, or on any Saturday, Sunday, or legal holiday.

This bill will allow victims two business days to obtain a restraining order, even if an officer issues a stay away order after close of business on a Friday, Saturday, Sunday, or legal holiday.

The Office of the Prosecuting Attorney of the County of Hawai'i supports the passage of House Bill No. 1570. Thank you for the opportunity to testify on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Mitchell D. Roth".

Mitchell D. Roth  
Prosecuting Attorney  
County of Hawai'i

**Justin F. Kollar**  
Prosecuting Attorney

**Kevin K. Takata**  
First Deputy



**Rebecca A. Vogt**  
Second Deputy

**Diana Gausepohl-White, LCSW**  
Victim/Witness Program Director

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

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TESTIMONY IN SUPPORT OF  
H.B. NO. 1570  
A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD  
MEMBER

Justin F. Kollar, Prosecuting Attorney  
County of Kauai

House Committee on Public Safety

Thursday, January 30, 2014  
10:00 a.m., Room 309


Honorable Chair Aquino, Vice-Chair Ing, and Members of the House Committee on Public Safety:

The Office of the Prosecuting Attorney, County of Kauai submits the following testimony in support of H.B. 1570, Relating to Abuse of Family or Household Member.

The purpose of H.B. 1570 is to address the concern of a Police Officer's stay away order that is issued after the close of business on a Friday, during the weekend, or on a holiday. In its current form, the statute allows for a 48-hour period of separation, however, it does not address issues that may arise if an order is given on a Friday after business hours, the weekend, or on a holiday. Therefore, H.B. 1570 calls for an extension of two (2) business days to an order issued during these times. Not only would the passage of this bill allow the victim sufficient time to obtain a restraining order, but is also maintains the essence of HRS 709-906 in providing the necessary protective measures to victims of domestic violence.

For this reason, we strongly support H.B. 1570. Thank you for the opportunity to testify on this matter.

Respectfully,

  
Justin F. Kollar  
Prosecuting Attorney  
County of Kaua'i



DEPARTMENT OF THE PROSECUTING ATTORNEY  
COUNTY OF MAUI  
150 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
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CONTACT: RICHARD. K. MINATOYA  
Deputy Prosecuting Attorney  
Supervisor, Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY  
ON  
HB 1570 - RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER  
January 30, 2014

The Honorable Henry J. C. Aquino  
Chair  
The Honorable Kaniela Ing  
Vice Chair  
and Members of the House Committee on Public Safety

Chair Aquino, Vice Chair Ing and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS HB 1570, Relating to Abuse of Family or Household Member. HB 1570 will extend the period of separation that a police officer can order under suspicion of physical abuse or harm to 4:30 p.m. on the second business day following the weekend or legal holiday if the forty-eight hour period of separation expires on any Saturday, Sunday, or legal holiday or if the incident occurs after 12:00 p.m. on any Friday, or on any Saturday, Sunday, or legal holiday.

Last year, the legislature passed Act 251, which among other things, requires that a police officer issue a stay away order if the officer has reasonable belief that there is probably danger of further abuse, and the stay away order was extended to 48-hours from 24-hours. It is presumed that the time extension was made to allow victims two business days to obtain a restraining order. However, Act 251 did not amend the provision regarding after close of business on a Friday, or Saturdays, Sundays and Holidays. Currently, if the stay away order is issued during those times, the stay away order ends at the close of business on the first work day following the weekend or holiday. Thus, victims do not have two full workdays to go through the process of obtaining restraining orders.

Furthermore, the weekend/holiday omission is causing confusion among police officers. They have to issue a 48-hour order on weekdays, but in the case of a Sunday or a holiday with a work day following, the stay away order may be less than 24-hours. This bill will correct this problem, so that it is clear that a victim will receive to full workdays to obtain a restraining order.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill. We ask that the committee PASS HB 1570.

Thank you very much for the opportunity to provide testimony on this bill.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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KIRK W. CALDWELL  
MAYOR



LOUIS M. KEALOHA  
CHIEF

DAVE M. KAJIHIRO  
MARIE A. McCAULEY  
DEPUTY CHIEFS

OUR REFERENCE LL-AUL

January 30, 2014

The Honorable Henry J.C. Aquino, Chair  
and Members  
Committee on Public Safety  
House of Representatives  
State Capitol, Room 419  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Aquino and Members:

Subject: House Bill 1570, Relating to Abuse of Family or Household Member

I am Larry Lawson, Acting Major of the Wahiawa Police Station, District 2, Honolulu Police Department (HPD), City and County of Honolulu.


The HPD supports House Bill 1570, which increases the order to leave time period if the order expires on a Saturday, Sunday, or legal holiday to the second business day following such expiration.

The HPD believes increasing the time period will allow those who are victims of abuse to seek shelter or orders for protection for themselves or their families after such orders to leave are issued.

The HPD requests that your committee support the passage of House Bill 1570.

Thank you for the opportunity to testify.

Sincerely,

  
Larry Lawson, Acting Major  
District 2

APPROVED BY:

  
Louis M. Kealoha  
Chief of Police



ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE  
YOUR REFERENCE

# POLICE DEPARTMENT

## COUNTY OF MAUI

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GARY A. YABUTA  
CHIEF OF POLICE

CLAYTON N.Y.W. TOM  
DEPUTY CHIEF OF POLICE

January 29, 2014

The Honorable Henry J. C. Aquino, Chair  
And Members of the Committee on Public Safety  
House of Representative  
State Capitol  
Honolulu, HI 96813

RE: House Bill No. 1570 – Relating to Abuse of Family or Household Member

Dear Chair Aquino and Members of the Committee:

The Maui Police Department supports the passage of H.B. No. 1570. The passage of this bill extends the period of separation that a police officer can order under suspicion of physical abuse or harm to 4:30 p.m. on the second business day following the weekend or legal holiday if the forty-eight hour period of separation expires on any Saturday, Sunday, or legal holiday, or if the incident occurs after 12:00 p.m. on any Friday, Saturday, Sunday, or legal holiday

The Maui Police Department supports this bill because it will clear up the current language of the bill for officers issuing the separation order. It also helps to clearly define and extend the period of time for victims of domestic violence to seek a temporary restraining order.

The Maui Police Department asks that you support the passage of H.B. No. 1570.

Thank you for the opportunity to testify.

Sincerely,

  
for GARY A. YABUTA  
Chief of Police